

SENATE.

MONDAY, January 14, 1901.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. HOAR, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

ELECTORAL VOTES OF MISSOURI AND IOWA.

The PRESIDENT pro tempore laid before the Senate two communications from the Secretary of State, transmitting certified copies of the final ascertainment of the electors for President and Vice-President appointed in the States of Missouri and Iowa; which, with the accompanying papers, were ordered to lie on the table.

FRENCH SPOILIATION CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims relating to the vessel sloop *Rainbow*, Joseph Howland, master; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims relating to the vessel ship *Fox*, Coffin Whippey, master; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

DISPOSITION OF USELESS PAPERS.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Postmaster-General; which will be read.

The Secretary read as follows:

OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., January 12, 1901.

SIR: Referring to the communication sent you under date of May 29, 1900, accompanied by reports from the various Bureaus of this Department giving detailed statements of useless papers which it was desired to have disposed of, in accordance with the provisions of the act of Congress approved February 16, 1890, being "An act to authorize and provide for the disposition of useless papers in the Executive Departments," I have the honor to transmit herewith, at the request of the chairman of the joint committee, supplemental reports containing certain specific information omitted from the former reports.

Very respectfully,

CHARLES EMORY SMITH,
Postmaster-General.

The PRESIDENT OF THE SENATE.

The PRESIDENT pro tempore. The Chair calls the attention of the Senate to the fact that several communications have been received from heads of Departments touching useless papers and their disposition. I think one was referred to the Committee on Military Affairs, another to the Committee on the Library, and another to the Committee on Civil Service and Retrenchment. Allusion is made here to a joint committee on this subject. The Chair has not been able to get information as to whether there is a joint committee having entire jurisdiction of the subject.

Mr. COCKRELL. Under a law passed in 1888 or 1889 for the disposition of useless and valueless papers in the different Departments, each Department is required to submit to Congress a written report giving a list of the documents to be disposed of, stating that they are no longer useful for historical purposes or for current business. The report is to be made to Congress, and thereupon the President of the Senate appoints one Senator and the Speaker of the House appoints one member of the House, and they constitute a committee to examine the papers and submit a report to the Senate and House.

The PRESIDENT pro tempore. Was there such a committee created?

Mr. COCKRELL. I do not know whether it has been created or not. It is not a permanent committee. It has to be appointed each time a report is made.

I will state the reason for passing the act. There were many documents in the Departments, and it was not believed at that time that it would be safe or judicious for Congress to authorize the head of a Department alone to determine whether the papers in his office were useful for historical purposes or for current business, and if not so useful to destroy them. It was thought best that Congress should retain some power over them, and for that reason the law required the head of the Department to make a report stating what the documents were, and then one Senator was appointed and one member of the House, to examine and see whether the papers ought to be destroyed or not; and, if so, to authorize the Department to do it.

Mr. HALE. This is, of course, new to many of us. Let me ask the Senator if that provision of the statute has ever been carried out by the appointment of two members, one from each House?

Mr. COCKRELL. Oh, time and again.

Mr. HALE. And upon the report of this joint committee useless documents have been destroyed?

Mr. COCKRELL. Yes.

Mr. HALE. Is that going on now, from year to year?

Mr. COCKRELL. Only when a committee is appointed. The Department can not destroy the papers until a committee has been appointed and reports, and they are required to send a list of the documents to be destroyed.

Mr. HALE. My question is whether that committee has been appointed every year, from year to year.

Mr. COCKRELL. It is appointed every time there are any documents to be destroyed. It is only appointed for the given emergency. It is not a standing committee, or anything of that kind, but it is a committee to be appointed by the Speaker of the House and the President of the Senate when a report comes in.

Mr. HALE. Does the Chair know when the last committee was appointed?

Mr. COCKRELL. I have served once or twice upon it.

The PRESIDENT pro tempore. The Chair is hardly able to understand how there could be so many joint committees having jurisdiction of practically the same subject. There was one on the part of the Post-Office Department, of which Mr. PENROSE was chairman. There was one on the Library. One of these communications has been referred to the Committee on Civil Service and Retrenchment, another to the Committee on Military Affairs.

Mr. COCKRELL. They ought all to go to one committee.

The PRESIDENT pro tempore. That is what occurred to the Chair.

Mr. COCKRELL. There is no question about that.

The PRESIDENT pro tempore. All should go to one committee, but is there any such committee?

Mr. COCKRELL. Unless the Chair has appointed one, there is not. There is no permanent committee by law. The committee is constituted for the specific purpose of determining whether the papers reported are to be destroyed or not.

Mr. HALE. How does the matter come here now?

The PRESIDENT pro tempore. There is one communication from the Secretary of War and another communication from the Postmaster-General.

Mr. HALE. Relating to documents and papers that are said to be useless?

The PRESIDENT pro tempore. They are said to be useless.

Mr. HALE. I suggest that the communication for the present lie on the table.

Mr. COCKRELL. I will furnish the President of the Senate with a copy of the law in a few moments.

Mr. HALE. Then the Senator can furnish the Chair with a copy of the law and the procedure, so that a committee can be appointed.

The PRESIDENT pro tempore. The Chair would like to know, if the committee is to be appointed, how long its life continues and whether there is to be one committee or whether there will be half a dozen committees, as there have been heretofore.

Mr. COCKRELL. There never has been, unless at this session, more than one committee.

The PRESIDENT pro tempore. The Chair will let the matter lie on the table for the present—

Mr. COCKRELL. Yes; I will hunt the matter up.

The PRESIDENT pro tempore. Until the Senator may have time, or some one will have time, to look it up and see what should be done.

Mr. COCKRELL. I will look it up.

The PRESIDENT pro tempore. Petitions and memorials are in order.

PETITIONS AND MEMORIALS.

Mr. PLATT of New York presented a petition of Laborers' Protective Union No. 7458, of Utica, N. Y., praying for the enactment of legislation regulating the hours of daily labor of mechanics and workmen, and also to protect free labor from prison competition; which was referred to the Committee on Education and Labor.

He also presented a petition of the keeper and crew of the life-saving station at Rockaway, New York, praying for the enactment of legislation to promote the efficiency of the Life-Saving Service and to encourage the saving of life from shipwreck; which was referred to the Committee on Commerce.

He also presented petitions of sundry citizens of New York City; of Warren & Osgood, of Verona; and of sundry citizens of Westernville, Kennedy, Knowelhurst, Whallonsburg, Fillmore, Prattsville, and Willet, and of Local Grange No. 1, Patrons of Husbandry, of Fredonia, all in the State of New York, praying

for the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

Mr. McMILLAN presented a petition of sundry citizens of Pentwater, Mich., praying for the enactment of legislation to promote the efficiency of the Life-Saving Service and to encourage the saving of life from shipwreck; which was referred to the Committee on Commerce.

He also presented a petition of the Federal Labor Union, of Port Huron, Mich., praying for the enactment of legislation to regulate the hours of daily work of laborers and mechanics, and also to protect free labor from prison competition; which was referred to the Committee on Education and Labor.

He also presented sundry petitions of citizens of Kalamazoo and Sanilac counties, in the State of Michigan, praying for the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

Mr. FOSTER presented a petition of sundry citizens of the coal-mining districts of the State of Washington, praying for the enactment of legislation to regulate the hours of daily work of laborers and mechanics, and also to protect free labor from prison competition; which was referred to the Committee on Education and Labor.

Mr. QUARLES presented a petition of the Federated Trades Council, of Milwaukee, Wis., praying for the enactment of legislation to limit the hours of daily labor of workmen and mechanics, and also to protect free labor from prison competition; which was referred to the Committee on Education and Labor.

He also presented a petition of the keeper and life-saving crew at Keweenaw Station, Wis., praying for the enactment of legislation to promote the efficiency of the Life-Saving Service and to encourage the saving of life from shipwreck; which was referred to the Committee on Commerce.

He also presented a petition of the faculty of the College of Engineering of the University of Wisconsin, praying for the enactment of legislation providing for the establishment of a national standardizing bureau; which was referred to the Committee on Commerce.

He also presented petitions of 11 citizens of Portage County, 45 citizens of Troy, and of 133 citizens, all in the State of Wisconsin, praying for the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

Mr. NELSON presented a petition of the Chamber of Commerce of Minneapolis, Minn., praying for the repeal of the revenue stamp tax on checks, telegrams, contracts of sales, express receipts, etc.; which was referred to the Committee on Finance.

Mr. BURROWS presented memorials of sundry citizens of Ann Arbor, Mich., remonstrating against the alleged granting of permits to houses of ill fame in Manila; which was referred to the Committee on the Philippines.

Mr. HALE presented the petition of F. N. Palmer and sundry other citizens of Monroe, Me., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Bangor, Portland, Houlton, Bath, Gardiner, Presque Isle, Camden, Belfast, Guilford, Rumford Falls, Dover, and Foxcroft, all in the State of Maine, praying for the repeal of the revenue tax on bank checks; which were referred to the Committee on Finance.

Mr. DOLLIVER presented the petition of B. A. Lockwood and sundry other grain dealers of Des Moines, Iowa, praying for the repeal of the war-revenue tax on grain; which was referred to the Committee on Finance.

He also presented a petition of sundry boiler makers and iron shipbuilders of Sioux City, Iowa, and a petition of the United Brotherhood of Leather Workers, of Boone, Iowa, praying for the enactment of legislation regulating the hours of daily labor of workmen and mechanics, and also to protect free labor from prison competition; which were referred to the Committee on Education and Labor.

He also presented a petition of sundry citizens of Algona, Iowa, and a petition of sundry citizens of Fort Dodge, Iowa, praying for the enactment of legislation to prohibit the sale of intoxicating liquors to the native races in Africa; which were referred to the Committee on Foreign Relations.

He also presented sundry petitions of citizens of Royal, Knoxville, Washta, Luana, Hobart, and Oneida, all in the State of Iowa, praying for the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

Mr. KEAN presented sundry petitions of citizens of New Jersey, praying for the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

He also presented sundry petitions of citizens of New Jersey, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens; which were ordered to lie on the table.

Mr. McLAURIN presented a petition of the Merchants' Exchange of Charleston, S. C., praying that the operations of the United States Geological Survey be extended so as to include the forests of South Carolina and the Eastern States; which was referred to the Committee on the Geological Survey.

He also presented a petition of the Merchants' Exchange of Charleston, S. C., praying for the establishment of a national forest reserve; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Merchants' Exchange of Charleston, S. C., praying that an appropriation be made for the improvement of the public roads of the country; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Merchants' Exchange of Charleston, S. C., praying that an appropriation be made to carry on the work of the Geological Survey relative to the water power of the country for manufacturing and other purposes; which was referred to the Committee on the Geological Survey.

Mr. KYLE presented a petition of the congregation of the Firesteel Church, of Davison County, S. Dak., praying for the enactment of legislation to prohibit the sale of intoxicating liquors at any post exchange, transport, or canteen, or upon any premises used for military purposes by the United States; which was ordered to lie on the table.

He also presented a petition of sundry citizens of Walworth County, S. Dak., praying that an appropriation be made for the construction and maintenance of an Indian industrial school at Everts, in that State; which was referred to the Committee on Indian Affairs.

He also presented a petition of the Young People's Society of Christian Endeavor of Elk Point, S. Dak., praying for the enactment of legislation to prohibit the importation of intoxicating liquors into uncivilized countries; which was referred to the Committee on Foreign Relations.

He also presented a memorial of the Live Stock Exchange of South St. Joseph, Mo., remonstrating against the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

He also presented the petition of Lars Berglund and 16 other citizens of Day County, S. Dak., praying for the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

Mr. LODGE presented the petition of A. C. Stoddard and 22 other citizens of North Brookfield, Mass., praying for the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Woman's Suffrage League of Natick, Mass., and a petition of the Woman's Christian Temperance Union of Natick, Mass., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. FAIRBANKS presented sundry petitions of citizens of Brunswick, Gaston, Parkes, New Trenton, Martinsburg, and Warwick County, all in the State of Indiana, praying for the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

He also presented petitions of sundry citizens of Fort Wayne, Poe, and Hoagland, all in the State of Indiana, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. SPOONER presented a petition of the faculty of the College of Engineering of the University of Wisconsin, praying for the establishment of a national standardizing bureau; which was referred to the Committee on Commerce.

He also presented the petition of Nelson Craite, keeper, and 6 other members of the life-saving station of Keweenaw, Wis., praying for the enactment of legislation to promote the efficiency of the Life-Saving Service and to encourage the saving of life from shipwreck; which was referred to the Committee on Commerce.

Mr. BUTLER presented a petition of the Produce Exchange of Wilmington, N. C., and a petition of the Board of Trade of Asheville, N. C., praying for the establishment of a national forest reserve so as to include the forests of North Carolina and the Eastern States; which were referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the Board of Trade of Asheville, N. C., and a petition of the Produce Exchange of Wilmington, N. C., praying for the enactment of legislation providing for the

enlargement of the work of the Geological Survey so as to include the mapping of the forest regions in the southern and eastern portions of the United States; which were referred to the Committee on the Geological Survey.

He also presented a petition of the Produce Exchange of Wilmington, N. C., praying that an appropriation be made to enable the Geological Survey to secure certain data concerning the depth and extent of artesian water supply in the malarial regions bordering on the Atlantic and Gulf coasts; which was referred to the Committee on the Geological Survey.

He also presented a petition of the Board of Trade of Asheville, N. C., praying that an appropriation be made to enable the Geological Survey to make a thorough examination of the surface streams of the Piedmont Plateau and the mountain regions of the Eastern States and of the artesian water supply in the South Atlantic and Gulf States; which was referred to the Committee on the Geological Survey.

He also presented a petition of the Produce Exchange of Wilmington, N. C., and a petition of the Board of Trade of Asheville, N. C., praying that an appropriation be made to enable the Secretary of Agriculture to examine into the question of the improvement of the public highways; which were referred to the Committee on Agriculture and Forestry.

He also presented the petitions of Hodges M. Gallop, keeper, and 7 other members of the life-saving crew of Whales Head; of Thomas J. Tillett, keeper, and 7 other members of the life-saving crew of Currituck Inlet; of Dunbar Davis, keeper, and 7 other members of the life-saving crew of Oak Island; of Jim E. Ward, keeper, and 7 other members of the life-saving crew of Devil Hills; of James W. Howard, keeper, and 7 other members of the life-saving crew of Ocracoke; of Van Buren Etheridge, keeper, and 7 other members of the life-saving crew of Nags Head; of H. W. Stryan, keeper, and 7 other members of the life-saving crew of Creeds Hill; of D. M. Pugh, keeper, and 7 other members of the life-saving crew of Gull Shoal; of W. M. Etheridge, keeper, and 7 other members of the life-saving crew of Oregon Inlet; of William H. Gaskill, keeper, and 8 other members of the life-saving crew of Cape Lookout, and of John L. Watts, keeper, and 8 other members of the life-saving crew of Cape Fear, all in the State of North Carolina, praying for the enactment of legislation to promote the efficiency of the Life-Saving Service and to encourage the saving of life from shipwreck; which were referred to the Committee on Commerce.

He also presented petitions of 19 citizens of North Carolina, praying for the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

He also presented a memorial of the National Live-Stock Exchange, remonstrating against the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

MR. COCKRELL. I present a joint resolution of the general assembly of Missouri, in favor of an appropriation for the repair and improvement of Galveston Harbor. I ask that it be read and referred to the Committee on Commerce.

The joint resolution was read and referred to the Committee on Commerce, as follows:

STATE OF MISSOURI, SENATE CHAMBER,
City of Jefferson, January 11, 1901.

DEAR SIR: The senate of the Forty-first general assembly of Missouri on the 11th day of January, 1901, took up and adopted the following resolution:

"Joint resolution requesting our Senators and Representatives in Congress to cooperate with the Texas delegation in securing appropriations for the repair and improvement of Galveston Harbor.

"Whereas the city and port of Galveston in our sister State of Texas met with an appalling disaster in the storm and flood of September 8, 1900, resulting in loss of many thousands of lives and properties of the value of many millions of dollars; and

"Whereas the people of Missouri and of the Southwest and of the entire Union are deeply interested in the maintenance of the deep-water port on the Gulf of Mexico at Galveston: Therefore, be it

"Resolved by the house of representatives (the senate concurring therein), That our Senators and Representatives in the Congress of the United States be requested to cooperate with the Texas Senators and Representatives in securing at the present session appropriations in the river and harbor bill for the repair and improvement of Galveston Harbor.

"Resolved further, That the clerk of the house transmit a copy of these resolutions to each Missouri Senator and Representative in Congress."

Respectfully submitted,

C. ROACH,

Secretary of the Missouri Senate.

Hon. FRANCIS M. COCKRELL,
Washington, D. C.

MR. FRYE presented a petition of Shipwrights' Local Assembly No. 514, Knights of Labor, of Brooklyn, N. Y., praying for the passage of the so-called ship-subsidy bill; which was ordered to lie on the table.

He also presented a petition of the Texas Division of the American Travelers' Protective Association, of Houston, Tex., praying for the establishment of a department of commerce and industries; which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Wilton, Me., and the petition of T. E. Barton and 9 other citizens of Bethel, Me., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens; which were ordered to lie on the table.

He also presented petitions of F. L. Palmer and 38 other citizens of Monroe, J. Albert Jones and 29 other citizens of South China, and of Charles F. Johnson and 7 other citizens of South Bridgton, all in the State of Maine, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented petitions of J. C. Hohnan and 26 other citizens of Farmington, Joel Wilbur and 21 other citizens of Phillips, Charles E. Hyde and 34 other citizens of Bath, E. G. Hodgdon and 59 other citizens of Waterville, E. R. Spear and 46 other citizens of Rockland, Louis B. Goodall and 17 other citizens of Sanford, and of H. D. Bates and 47 other citizens of Waterville, all in the State of Maine, praying for the repeal of the revenue-stamp tax on bank checks; which were referred to the Committee on Finance.

IRRIGATION FOR THE PIMA INDIANS.

MR. PLATT of Connecticut. I have a letter addressed to me from the Secretary of the Interior, inclosing a copy of that part of the report of Indian Inspector Walter H. Graves which relates to irrigation for the Pima Indians. I move that the letter and accompanying report be printed as a document.

The motion was agreed to.

CLERICAL ASSISTANCE FOR COURTS IN ALASKA.

MR. HOAR. I am directed by the Committee on the Judiciary, to whom was referred the bill (S. 5346) making provision for the employment of clerical assistance in the district of Alaska, to report it favorably without amendment, and I ask that it be now considered. It is very short.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that the provisions of section 15 of the act approved May 28, 1896, relative to the employment of clerical assistance by United States attorneys, shall hereafter apply to the district of Alaska; and any clerical assistant or assistants employed by the district attorney for any division of the district of Alaska since June 30, 1900, may be paid upon the approval of the Attorney-General.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. LUTIE M. NOWLIN.

MR. HOAR. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 11008) authorizing the Solicitor of the Treasury to quitclaim and release certain title and interest of the United States to Mrs. Lutie M. Nowlin, to report it with an amendment, and also to ask for its present consideration.

MR. MORGAN. Let the bill go to the Calendar.

The PRESIDENT pro tempore. The Senator from Alabama objects.

MR. HOAR. Will the Senator from Alabama allow me to state in thirty seconds—

MR. MORGAN. At any proper time I will not object to calling up the bill from the Calendar, but I do object to its consideration in this way.

MR. HOAR. It will take less time, if the Senator will allow me to make a brief statement now.

MR. MORGAN. Very well.

MR. HOAR. It is a case where the United States got a judgment for a thousand dollars and levied on the property of a wife down in Texas for the debt against her husband. The Solicitor-General is satisfied that the property is the wife's and that the Government can not hold it. It makes a cloud on the woman's title, and the bill simply authorizes the Solicitor-General, if in his discretion he thinks fit, to release it.

I suppose if this were any corporation, a bank or a railroad, and such a thing came up, the directors would say, "We refer that to the Solicitor, with power to act," and that is what we have done in this bill. That is the whole of it.

MR. MORGAN. What I object to is the practice that committees of this body have got into here of making reports and asking immediate consideration. They have the floor for that purpose, of course, and it is not right to the rest of us that they should do it.

MR. HOAR. There is hardly any other way in the closing hours of a session. This is a House bill, and the poor woman will lose her remedy unless we can get this little favor through right off. It is a bill which was drawn in the Department, and it was unanimously approved by the committee. Of course, if the Senator insists on his objection, I will not press it. I hope the Senator, under the circumstances, will allow it to go through.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The amendment of the Committee on the Judiciary was, on page 2, line 4, to strike out the word "directed" and insert "in his discretion, if he thinks fit;" so as to make the bill read:

Be it enacted, etc., That the Solicitor of the Treasury be, and he is hereby, authorized, and in his discretion, if he thinks fit, to quitclaim and release to the said Mrs. Lutie M. Nowlin all right, title, and interest of the United States in and to the aforesaid lot and premises and the appurtenances and improvements thereunto belonging: *Provided*, That the aforesaid levy and sale shall not be taken or held to have operated as a satisfaction, in whole or in part, of said judgment, but said judgment shall stand as if the aforesaid levy and sale had not been made.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The preamble was agreed to.

REPORT ON ISTHMIAN CANAL.

Mr. MORGAN. I am instructed by the Committee on Inter-oceanic Canals to make an additional report and present a statement from Prof. Emory R. Johnson, of the Isthmian Canal Commission, on the commercial features of the canal. The report has been delayed in order to get the statement. It is a very important statement, one that interests every Senator on this floor, and I ask that it may be printed and lie on the table. I ask also that it may be printed in the RECORD as well as a document, because the country at large will have a universal interest in the statement made by Professor Johnson, who, I suppose, has no superior in point of authority in this country on subjects of a commercial character.

The PRESIDENT pro tempore. Does the Senator's request include the report of the committee?

Mr. MORGAN. Yes, sir.

The PRESIDENT pro tempore. The Senator from Alabama reports from the Committee on Inter-oceanic Canals certain papers submitted by him to the Senate, which he asks unanimous consent may be printed as a document.

Mr. MORGAN. And also in the RECORD.

The PRESIDENT pro tempore. And also in the RECORD. Is there objection to the request? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

[Senate Report No. 1337, part 5, Fifty-sixth Congress, second session.]

The committee has delayed its report on the commercial features of the Nicaragua Canal in order to present the special statement of Mr. Emory R. Johnson, a member of the Isthmian Canal Commission, which is herewith submitted. The thorough researches of this acknowledged authority on commercial subjects are presented succinctly in this paper, with conclusions that are demonstrated with great force and precision.

This statement of the traffic resources of the canal and its effects upon the commerce and industries of the United States removes many doubts that have embarrassed the estimates of anxious but less informed inquirers, and presents in a clear, authentic, and reliable form the actual basis of correct calculation, and proves conclusively that as an investment the Nicaragua Canal will earn a highly remunerative profit on a cost of even \$200,500,000, which is the extreme estimate of cost presented by the Isthmian Canal Commission.

DEPARTMENT OF STATE, ISTHMIAN CANAL COMMISSION. Washington, D. C., January 11, 1901.

DEAR SIR: I have the honor to inclose herewith a reply to the questions asked me in your letter of the 7th instant. The final report of the Isthmian Canal Commission will contain a full discussion of these and the other subjects connected with an adequate treatment of the value of the proposed waterway to the commerce and industries of the United States and other countries.

One of the questions you asked was concerning my academic position. I became a member of the faculty of the University of Pennsylvania in 1893, and since 1895 have held the position of assistant professor of transportation and commerce in that institution.

Very respectfully, yours,

EMORY R. JOHNSON,

Chairman Committee on Value of Canal.

Senator JOHN T. MORGAN,

Chairman Committee on Inter-oceanic Canals,

United States Senate, Washington, D. C.

Reply submitted by Emory R. Johnson to questions asked by Senator JOHN T. MORGAN, concerning the traffic of an isthmian canal and of the Suez Canal and of the industrial effects which will result from the opening of an American inter-oceanic canal.

1. At what amount of tonnage do you estimate the vessels that will pass through the canal during the first year after it is completed and opened to traffic, and by what measurement do you ascertain the tonnage?

2. What increase of tonnage do you expect will pass through the canal in the tenth year after its completion?

3. Please give such data as you rely upon in reaching the conclusions you have stated, giving separately the countries from which the traffic will be derived.

4. In estimating the gross receipts of this canal, do you include any and what part of the traffic that has heretofore passed through the Suez Canal?

A partial reply to questions 1, 2, 3, and 4 is contained in certain paragraphs

of the Preliminary Report of the Isthmian Canal Commission, submitted to the President on the 30th of November last. The paragraphs are as follows:

"To determine the amount of tonnage that would use a canal were it now in existence two distinct statistical investigations have been made. In one of these the exports and imports of the United States and of the leading commercial nations of Europe were studied for the purpose of ascertaining how many tons of cargo, or how much freight, those countries would now contribute to the traffic through an American inter-oceanic canal. The statistics of exports and imports of all countries being given either in values or quantities, it was necessary to convert these into their tonnage equivalents. This change having been made for each commodity, it was found that 3,426,752 cargo tons of the maritime commerce of the United States during the year ending June 30, 1899, could have used the canal to advantage. During the calendar year 1898 the trade of Europe with the west coast of South and Central America and British Columbia amounted to 3,346,377 cargo tons. The sum of these two amounts, 6,773,129 cargo or freight tons, does not include any of the trade between Europe and the Orient, a part of which would have used the American canal had it been in existence. The figures, moreover, apply to the commerce of the past carried on under the conditions then prevailing.

"The statistics of entrances and clearances show that the net register tonnage of the American and foreign shipping that would have passed through a canal had it existed during the year 1898-99 was 4,582,128 tons, in addition to a part of the commerce between Europe and the Orient. The opening of the American isthmian canal will accentuate the present tendency of traffic to follow round-the-world lines, and not less than one-fourth of the present traffic of Europe with Eastern countries may be expected to use this route. One-fourth of the vessel tonnage employed in the European-Oriental commerce during the calendar year 1898 amounted to 1,154,328 tons net, and this added to 4,582,128 gives a total of 5,736,456, the number of tons of shipping that would have used a canal had it been in existence in 1898-99.

"Records of vessel movements kept by the New Panama Canal Company show that the commerce between the east and west coasts of the American continent, and between Europe and the American west coast, would have caused an isthmian canal to be used by 3,848,577 tons, net, of shipping in 1899. This sum plus one-fourth of the vessel tonnage of the commerce between Europe and the East gives 5,126,890 tons net register for the traffic available in 1899. The difference between the result of the investigation made by the French company and that conducted by this commission is 609,598 tons. However, two-fifths of this difference is accounted for by the fact that the French statisticians did not include any tonnage for the trade carried on between the eastern half of the United States and foreign Pacific countries by way of our Pacific ports. The difference between the two totals may also be partly due to their not covering identical periods. The United States statistics of entrances and clearances studies by this commission were for the fiscal year ending June 30, 1899, whereas the French record of vessel movements was for the calendar year 1899. The similarity in the results of the two investigations is evidence of the essential accuracy of both.

"The increase during the decade preceding 1899 in the tonnage of the vessels that would have used the canal was 22.55 per cent. Upon the safe assumption that this rate of increase per decade will continue, the available canal tonnage of 1898, as calculated by the French statisticians, will have become 6,127,112 in 1908 and 6,922,166, or, in round numbers, 7,000,000, tons net register in 1914; that is, at the end of sixteen years. If the tonnage of the entrances and clearances of the available canal traffic of the year 1898-99, as determined by this commission's investigation (5,736,456 tons net register), be taken as the basis of estimate, an increase of 22.55 per cent per decade would make the figures for 1909 7,000,627 tons and for 1914 7,782,240 tons net register."

The conclusion reached by the traffic investigations conducted by the Isthmian Canal Commission is that about seven and a half million tons of traffic will be available for the canal in 1914 if the rate of increase for the past ten years be continued until that date. After the canal has been opened the traffic that will find the use of the canal desirable will increase much more rapidly than it is now growing. The tonnage of the Suez Canal increased 46 per cent from 1889 to 1899, and there are strong reasons for believing that the growth in the traffic of an American inter-oceanic canal during the first decade of its use will be fully as rapid as has been the case with the Suez Canal during the past decade. Everything points to a large increase in the commerce of the west coast of South America as the result of the opening of the canal, and also in the trade of the United States with her Pacific possessions and with Oceania and oriental countries. An increase of 50 per cent in the traffic of 1914 may safely be expected to take place during the ten years following that date. That would make the traffic of the Isthmian canal 11,250,000 tons in 1924. I regard this as a conservative estimate.

5. What rate of toll per ton do you adopt as a maximum in estimating the gross income of the canal, and why do you adopt that rate?

In investigating the tonnage of the vessels that the existing commerce of the world would cause to pass through a canal it was not deemed necessary to adopt a rate of toll. A careful study has, however, been made of the effect which tolls would have upon the volume of business, and the general conclusion reached is that any toll greater than \$1 per vessel ton, net register, would cause the greater part of the tonnage of the west coast of South America to pass through the Straits of Magellan instead of through an isthmian canal. This west-coast South American trade comprises, under present conditions, nearly one-third of the traffic available for the isthmian waterway. A toll that would divert this commerce from the canal would doubtless yield a lower gross revenue than would a toll of a dollar per ton, besides greatly restricting the industrial and commercial advantages of an inter-oceanic waterway.

6. What is the rate per ton that is charged upon vessels passing through the Suez Canal, say, in the years 1899 or 1900? What is the nominal rate; and if the actual rate is higher, by what method of measurement is that rate increased?

The tolls of the Suez Canal are 9 francs per ton on the net register of the vessel and 10 francs per passenger. The net register of the vessel is determined by rules peculiar to the Suez Canal, and as determined by those rules the net register of a ship is about one-seventh more than the registry would be if measured according to the rules followed by Great Britain and the United States. The present Suez Canal tolls would be equivalent to nearly \$2 per net register ton as measured by British or American rules. Ships in ballast are charged 2½ francs per ton less than laden vessels, and certain other minor variations from the tariff are made for sailing vessels and tugs. The rules controlling the use of the Suez Canal are printed in full as Appendix M to the last report of the United States Commissioner of Navigation.

7. Please state the gross receipts of the Suez Canal each year since it was opened for traffic, and the countries from which the larger parts of the traffic have come that created such gross receipts.

The number of vessels that have passed through the Suez Canal each year since its opening, the gross and net tonnage, the average net tonnage per vessel, and the amount received in tolls are shown by the following table, No. 1, which is taken from a publication of the British Government, entitled "Tables Showing the Progress of Merchant Shipping," printed June 19, 1900. A table is also appended showing the division of this traffic among the vessels

of the various nations of the world whose ships pass the waterway. The following tables and analysis of Table No. 1, in regard to the traffic and toll receipts, show several interesting facts.

SUEZ CANAL TRAFFIC.

TABLE I.—Statement showing the number and tonnage of vessels that passed through the Suez Canal in each year from 1870 to 1899, inclusive, together with the transit receipts.

[Extracted from the Returns of Shipping and Tonnage of the Suez Canal as furnished by the British directors, Cd. 99 of 1900.]

Years.	Num- ber of vessels	Gross ton- nage.	Net ton- nage.	Mean net ton- nage per vessel.	Transit receipts.	Receipts.
1870	486	654,915	436,609	898	Francs.*	
1871	765	1,142,200	761,467	965	5,159,327	
1872	1,082	1,744,481	1,160,743	1,071	8,993,733	
1873	1,173	2,085,073	1,367,768	1,166	16,407,591	
1874	1,264	2,423,672	1,631,650	1,290	22,897,319	
1875	1,494	2,940,708	2,009,984	1,345	24,859,383	
1876	1,457	3,072,107	2,096,772	1,439	28,886,302	
1877	1,663	3,418,950	2,355,448	1,416	29,974,999	
1878	1,593	3,291,535	2,269,678	1,425	32,774,944	
1879	1,477	3,236,942	2,265,352	1,532	31,088,229	
1880	2,026	4,344,520	3,037,422	1,509	29,686,061	5,629,410
1881	2,727	5,794,491	4,136,780	1,517	39,840,488	
1882	3,198	7,122,126	5,074,809	1,586	51,274,353	
1883	3,307	8,051,307	5,775,862	1,748	60,545,882	
1884	3,284	8,319,967	5,871,501	1,787	65,847,812	
1885	3,624	8,985,412	6,335,753	1,748	62,378,116	12,088,976
1886	3,100	8,183,313	5,767,656	1,860	62,207,439	
1887	3,137	8,430,043	5,903,024	1,881	56,527,391	
1888	3,440	9,437,957	6,640,834	1,930	57,862,371	
1889	3,425	9,605,745	6,783,187	1,951	64,832,273	
1890	3,389	9,749,129	6,890,094	2,063	66,167,579	12,770,343
1891	4,207	12,217,986	8,698,777	2,067	66,984,000	
1892	3,559	10,866,401	7,712,029	2,167	83,422,101	
1893	3,341	10,753,798	7,659,068	2,222	74,452,436	
1894	3,352	11,283,855	8,039,175	2,308	70,667,361	
1895	3,434	11,833,637	8,448,383	2,388	73,776,828	14,238,928
1896	3,409	12,039,859	8,560,284	2,400	78,103,718	15,074,008
1897	2,936	11,123,403	7,899,374	2,511	79,569,994	15,357,009
1898	3,503	12,962,632	9,238,603	2,645	72,830,545	14,056,295
1899	3,607	13,815,992	9,895,630	2,637	85,294,770	16,461,891
				2,743	91,318,772	17,624,553

* 1 franc = \$0.193.

NOTE.—The above figures include not only merchant vessels and mail steamers, but also war ships and transports as well as Government chartered vessels.

TABLE II.—Statement showing the number and tonnage of vessels which passed through the Suez Canal in each year from 1887 to 1899, distinguishing the principal nationalities.

[Extracted from the Yearly Returns of Shipping and Tonnage of the Suez Canal, which are issued by the British directors.]

Nationality.	1887.		1888.		1889.		1890.	
	No.	Gross tonnage.	No.	Gross tonnage.	No.	Gross tonnage.	No.	Gross tonnage.
British	2,330	6,372,586	2,625	7,335,063	2,611	7,478,370	2,522	7,438,682
German	159	364,215	163	393,319	194	463,226	275	731,888
French	185	567,065	187	576,993	168	547,602	169	555,941
Dutch	123	300,944	121	295,719	146	359,792	144	341,828
Italian	138	379,062	146	395,625	103	279,332	87	217,480
Austro-Hungarian	82	197,675	58	173,212	54	168,708	55	177,941
Other nationalities	120	248,496	140	268,026	149	308,785	137	285,369
Total	3,137	8,430,043	3,440	9,437,957	3,425	9,605,745	3,389	9,749,129

Nationality.	1891.		1892.		1893.	
	No.	Gross tonnage.	No.	Gross tonnage.	No.	Gross tonnage.
British	3,217	9,484,609	2,581	8,101,904	2,405	7,977,728
German	318	870,548	292	809,014	272	798,929
French	171	616,964	174	635,585	190	702,634
Dutch	147	369,947	177	433,543	178	443,148
Italian	116	275,861	74	198,206	67	183,492
Austro-Hungarian	51	169,399	61	191,145	71	251,468
Other nationalities	187	431,258	200	497,004	158	396,369
Total	4,207	12,217,986	3,559	10,866,401	3,341	10,753,798

Nationality.	1894.		1895.		1896.	
	No.	Gross tonnage.	No.	Gross tonnage.	No.	Gross tonnage.
British	2,386	8,326,826	2,318	8,382,075	2,162	8,057,706
German	296	887,363	314	977,029	322	1,120,581
French	185	710,990	278	1,005,051	218	819,919
Dutch	191	484,570	192	497,903	200	520,994
Italian	63	181,149	78	224,358	230	594,179
Austro-Hungarian	78	278,792	72	248,985	71	233,922
Other nationalities	153	414,165	182	498,236	206	692,558
Total	3,352	11,283,855	3,434	11,833,637	3,409	12,639,850

TABLE II.—Statement showing the number and tonnage of vessels, etc.—Cont'd.

Nationality.	1897.		1898.		1899.	
	No.	Gross tonnage.	No.	Gross tonnage.	No.	Gross tonnage.
British	1,905	7,389,237	2,295	8,691,093	2,410	9,046,031
German	325	1,194,106	356	1,353,161	387	1,492,675
French	202	807,995	221	891,642	226	940,125
Dutch	206	532,272	193	526,478	206	583,011
Italian	71	198,161	74	208,418	69	200,625
Austro-Hungarian	78	265,231	85	300,251	101	371,364
Other nationalities	199	736,401	279	991,589	308	1,182,179
Total	2,966	11,123,403	3,503	12,962,632	3,607	13,815,992

NOTE.—The above figures include not only merchant vessels and mail steamers, but also war ships and transports, as well as Government chartered vessels.

Since 1885 there has been practically no increase in the number of vessels passing the canal. The large development of tonnage during that period has been the result of the increase in the average size of vessels, and not in the number of ships. The mean net register of the vessels using the Suez Canal will very soon reach 3,000 tons. Should the present rate of increase continue until 1914, the vessels will then average 3,000 tons net, and it is probable that the larger dimensions about to be given the Suez Canal will result in a more rapid increase in the size of vessels than is now taking place.

A comparison of the growth of tonnage by five-year periods, beginning with 1874, by which time the traffic through the waterway had grown to considerable proportions, shows that, as compared with the five-year period ending in 1878, the subsequent quinquennial period showed an increase of 96 per cent. For the five years 1884 to 1888, inclusive, the tonnage was 294 per cent; the quinquennial period ending in 1893 had an aggregate tonnage of 363 per cent, and the five-year period ending in 1898 an aggregate traffic of 406 per cent of that which passed the canal during the five-year period ending in 1878. That is to say, during twenty years the traffic increased fourfold.

A study of the growth of receipts from tolls shows that the receipts of 1881 were more than double those of 1874, and those of 1891 were three times those of 1874, and those of 1899 were 3.7 times those twenty-five years earlier. Table II shows in detail the division of the traffic among the shipping of the various countries. It will be seen from this table that 75 per cent of the total Suez Canal shipping in 1892 was under the British flag. By 1898 this had fallen to 66 per cent, and in 1899 it was 64 per cent.

The growth in the tonnage using the Suez Canal and the growth in the size of ships is graphically shown by the following diagrams (omitted) taken from a printed address delivered by Sir Charles Hartley on the history of the engineering works of the Suez Canal before the Institution of Civil Engineers, London, March 13, 1900. This table has been brought down to date by the addition of the figures for 1899.

The larger share of the traffic through the Suez Canal is that carried on by Great Britain, Germany, and the Netherlands with India, the East Indies, and the Orient. The statistics of the Suez Canal traffic are not given in such a way as to enable one to determine accurately the distribution of the traffic of this waterway among the various nations whose trade passes through the canal. All the commercial nations of the North Atlantic, including our own country, trade by way of the canal with Australia, Oceania, and southern and eastern Asia.

8. In any statement you make as to the extent of your researches, please to name the manufacturing, mining, and larger shipping centers you have visited, and state any facts that will tend to show the present and prospective commercial importance of those places.

The industrial and commercial investigations conducted by the committee on the value of the canal have consisted in part of a study of the commercial statistics of the United States and foreign countries, and in part of a careful investigation of the industries and trade of the different sections of the United States and the more important foreign countries that would make use of the canal. In securing information regarding foreign countries the State Department assisted us by sending a letter of inquiry to American consuls, and another letter to American ministers resident in those countries whose trade it was thought desirable to study. To secure data in regard to the business interests of different parts of the United States, an extensive correspondence has been conducted with business men in all parts of the country.

The commercial organizations in all the larger cities have been requested to make special reports to the Isthmian Canal Commission, giving information in regard to the industries and foreign trade of their respective cities, and the use which their members would make of the proposed waterway. Personal visits have been made by one or more members of the committee on the value of the canal to 27 large commercial and industrial cities. The larger seaboard cities of the Atlantic and Gulf have been visited, also such centers of the iron and steel industries as Pittsburgh, Cleveland, Chattanooga, and Birmingham. Visits were also made to the industrial cities of Atlanta, Memphis, Louisville, St. Louis, Indianapolis, Cincinnati, Chicago, Milwaukee, and Detroit. Wherever the committee went the business organizations manifested a very keen interest in the early construction of the canal. The commercial organizations and the business men have shown their interest in the canal project by giving the committee on the value of the canal all the assistance that lay within their power.

Wherever the committee went it was impressed by the ability of American manufacturers to produce economically and on a large scale. The efforts to secure foreign trade are being put forth quite as much by the people of the inland industrial centers as by those at or near the seaboard. Possibly the keenest interest in the interoceanic canal is felt in such sections as the Pittsburgh (Pa.) and the Birmingham (Ala.) districts, where the mining of coal and the manufacture of iron and steel products for export have already acquired large proportions. No one can visit these and the other great industrial sections of the United States without realizing that such a reduction in the costs of reaching foreign markets as will be accomplished by the isthmian canal will effect a large increase in our foreign trade.

9. Please to state whether or not, in your opinion, a ship canal through the Isthmus of Darien would increase the population and develop the industries of the States on or near the Pacific coast of the United States, and whether it would benefit or depress the traffic of the railways that have terminals on that coast.

The final report which is now being prepared will contain a section discussing the relation of the canal to the industries of the Pacific coast States. Some of the conclusions that have been reached may be stated as follows: The Pacific coast States are the most geographically isolated portion of our country. The chief markets of this section in the past have been the countries of the North Atlantic, and such will for a long time continue to be the case.

The existing means of transportation by rail across the continent, or by water around South America, are the great hindrances to the development of that trade. Moreover, there are other sections of the world that are becoming increasingly strong competitors with our west coast in the production of grain, fruits, and wine. The most general statement that can be made of the effect which the isthmian canal will have on the Pacific coast is that the waterway will enable that section to meet more easily and successfully the growing competition of those countries whose similar productions make them commercial rivals of our Western States. Without an isthmian canal our west coast will have difficulty in meeting the competition of these rival sections, but with the waterway our Pacific States will easily hold their own in the international industrial struggle.

A careful study of the probable effect which the isthmian canal will have upon the business of American railways, and the information received by numerous interviews with railway officials having intimate knowledge of traffic affairs, leads to the general conclusion that the proximate effect of the isthmian canal in compelling a reduction and readjustment of the rates on that share of the trans-continental railway business that will be subject to the competition of the new water route will be more than offset by the ultimate and not distant expansion of the through and local traffic that must necessarily be handled by rail. The increase in the population of the country and the growth in our home and foreign trade will early demonstrate the need of the transportation services of both the canal and the railways.

10. Please state whether or not the opening of the Suez Canal has benefited the commerce of the Western Hemisphere or of the world, and, approximately, the extent thereof:

The benefit which the Suez Canal has been to the commerce of the Eastern Hemisphere is in part indicated by the large volume of traffic that now uses the waterway. Only a small part of this consists of traffic originating or terminating in the Western Hemisphere. The development of the great trade which Europe has with India, the East Indies, and the Orient has largely been made possible by the Suez Canal. It is questionable whether the Suez Canal has been a benefit to the Western Hemisphere. It has given Europe a decided advantage over the United States for securing the large and growing commerce of the Pacific countries. The presence of the Suez Canal without the existence of an American isthmian waterway places the United States and other countries of the Western Hemisphere in a disadvantageous position as contrasted with Europe.

COURTS IN MISSOURI.

Mr. THURSTON. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 10498) to create a new division in the western judicial district of the State of Missouri, to report it with amendments.

I call the attention of the Senator from Missouri [Mr. COCKRELL] to the bill.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

PAYMENT OF STENOGRAPHERS.

Mr. GALLINGER, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. PRITCHARD on the 10th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the stenographer employed to report the hearing before the Committee on Patents on the bill (S. 5589) for the relief of the widow of Isaiah Smith Hyatt be paid from the contingent fund of the Senate.

Mr. GALLINGER, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. PROCTOR on the 10th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the stenographer employed to report the hearings before the Committee on Agriculture and Forestry upon House bill 3717, known as the oleomargarine bill, be paid from the contingent fund of the Senate.

BRANDY DISTILLED FROM CHERRIES.

Mr. ALLISON. I am directed by the Committee on Finance, to whom was referred the bill (H. R. 12281) to amend section 3255 of the Revised Statutes of the United States, concerning the distilling of brandy from fruits, to report it with an amendment. As it is a brief bill and proposes only a single amendment of the law, I ask that it may be considered. It will take but a moment.

The PRESIDENT pro tempore. The bill will be read in full to the Senate for its information.

The Secretary read the bill, which had been reported from the Committee on Finance with an amendment, in line 10, after the word "prunes," to insert the word "figs," so as to make the bill read:

Be it enacted, etc., That section 3255 of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

"SEC. 3255. The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may exempt distillers of brandy made exclusively from apples, peaches, grapes, pears, pineapples, oranges, apricots, berries, prunes, figs, or cherries from any provision of this title relating to the manufacture of spirits, except as to the tax thereon, when in his judgment it may seem expedient to do so."

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. PETTIGREW. I should like to hear the report read.

Mr. ALLISON. There is no report submitted. I will say to the Senator that this is the exact law now, except that the bill as it came from the other House provides for cherries, and the Senate Committee on Finance proposes to insert in addition to that amendment the word "figs." It is a matter relating to fruits in California. I hope the Senator will not object to the bill.

Mr. PETTIGREW. I should like to hear from the Senator from California on the subject.

Mr. ALLISON. The Senator from California will, I have no doubt, make a very satisfactory explanation of the measure.

Mr. PERKINS. The distinguished Senator from Iowa, from the Committee on Finance, has explained the bill, I am sure, satisfactorily to my friend from South Dakota. The bill simply gives the horticulturists of California an opportunity to make a temperance drink from the syrup of figs.

Mr. PETTIGREW. I should like also to know the effect of the other amendment. I do not know that they grow cherries in California or in Iowa.

Mr. PERKINS. Cherries grow in California in great profusion. It is the first State in the Union, I think, in producing the best quality of cherries. The same argument applies that can be used in favor of figs. It was unanimously reported favorably by the committee in the other House, who carefully considered the subject-matter; and knowing what Cherry Pectoral, which is also useful in certain diseases, is, the bill was unanimously reported favorably. I am sure my friend from South Dakota will not object to it when he understands that we will give him cuttings from our cherry and fig trees, that they may be planted in South Dakota.

Mr. PETTIGREW. Mr. President, I shall have to object to the consideration of the bill, because there is no proof that these are temperance drinks.

The PRESIDENT pro tempore. The Senator from South Dakota objects. The bill goes to the Calendar.

BILLS INTRODUCED.

Mr. PETTIGREW introduced a bill (S. 5556) authorizing and directing the Secretary of War to purchase 2,000 copies of *Ups and Downs of an Army Officer*, by Col. George A. Armes, United States Army, retired; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. FAIRBANKS introduced a bill (S. 5557) to remove the charge of desertion from the record of Edward Whelan; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 5558) for the relief of Jackson Foster; which was read twice by its title, and referred to the Committee on Claims.

Mr. KYLE introduced a bill (S. 5559) granting an increase of pension to Adolphus Richardson; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5560) granting an increase of pension to J. W. Harden; which was read twice by its title, and referred to the Committee on Pensions.

Mr. KYLE (for Mr. ALLEN) introduced a bill (S. 5561) for the relief of Florine A. Albright; which was read twice by its title, and referred to the Committee on Claims.

Mr. COCKRELL introduced a bill (S. 5562) granting an increase of pension to Mary Taylor; which was read twice by its title.

Mr. COCKRELL. To accompany that bill I present the petition of Mrs. Mary Taylor, widow of Lewis Taylor, captain Company G, Forty-fifth Regiment, Ohio Volunteer Infantry, and the affidavits of Robert I. Stickney, John H. White, and Drs. George D. Coe and E. J. Burch. I move that the bill and accompanying papers be referred to the Committee on Pensions.

The motion was agreed to.

Mr. COCKRELL introduced a bill (S. 5563) granting an increase of pension to Samuel J. Boyer; which was read twice by its title.

Mr. COCKRELL. To accompany that bill I present the petition of Samuel J. Boyer, Company G, Nineteenth Regiment United States Infantry, and the affidavits of William M. Russell and Lewis Schmidt. I move that the bill and accompanying papers be referred to the Committee on Pensions.

The motion was agreed to.

Mr. McENERY introduced a bill (S. 5564) for the relief of Robert Norris; which was read twice by its title, and referred to the Committee on Claims.

Mr. BAKER introduced a bill (S. 5565) to apportion the lands and funds of the Osage tribe of Indians, in the Territory of Oklahoma, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. TELLER introduced a bill (S. 5566) granting a pension to Eliza B. Gamble; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. BACON introduced a bill (S. 5567) for the relief of E. H. Abercrombie; which was read twice by its title, and referred to the Committee on Claims.

Mr. NELSON introduced a bill (S. 5568) to authorize the re-statement, readjustment, settlement, and payment of dues to Army officers in certain cases; which was read twice by its title, and referred to the Committee on Claims.

Mr. HALE introduced a bill (S. 5569) granting an increase of pension to George W. Taylor; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McCOMAS introduced a bill (S. 5570) granting a pension to Henry Miller; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. WARREN introduced a bill (S. 5571) for the relief of John A. Lockwood; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. THURSTON introduced a bill (S. 5572) providing for an additional circuit judge in the Eighth judicial circuit; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. SHOUP introduced a bill (S. 5573) to amend section 203 of Title III of the act entitled "An act making further provisions for a civil government for Alaska, and for other purposes;" which was read twice by its title, and referred to the Committee on the Territories.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. HOAR submitted an amendment proposing to increase the salaries of the Chief Justice and associate justices of the Supreme Court of the United States, of the circuit judges of the United States, of the district judges of the United States, and of the judges of the Court of Claims of the United States, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on the Judiciary, and ordered to be printed.

Mr. HOAR subsequently, from the Committee on the Judiciary, reported the above amendment favorably, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. TURNER submitted an amendment proposing to appropriate \$402.26 to pay the interest on the adjudicated claim of Patrick Henry Winston, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MALLORY submitted an amendment proposing to appropriate \$150,000 for the construction of a seagoing suction dredge to be used in improving the harbors of Pensacola, Carrabelle, and Apalachicola, Fla., intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for continuing improvement of the Choctawhatchee River, Florida, from \$15,000 to \$25,000, and providing that \$10,000 of said amount shall be used for dredging a channel of 10 feet at the Cypress Top outlet of the said river, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. ELKINS submitted an amendment proposing to increase the salaries of the clerk to the Secretary of the Treasury, clerk to the Secretary of War, and private secretary to the Postmaster-General from \$2,250 each per annum to \$2,400, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment proposing to increase the salaries of the private secretary to the Secretary of State, the clerk to the Secretary of the Navy, the private secretary to the Secretary of the Interior, and the private secretary to the Attorney-General from \$2,250 each per annum to \$2,400, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. LODGE submitted an amendment providing for a preliminary survey of Little Harbor, Woods Hole, Mass., intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

He also submitted an amendment conferring jurisdiction upon the Court of Claims to examine and adjudicate all claims of citizens of the United States against Spain, in accordance with the terms of the seventh article of the treaty concluded between the United States and Spain on the 10th day of December, 1898, intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

Mr. THURSTON submitted an amendment proposing to appropriate \$5,000 for repairing the bridges and approaches of the Winnebago Indian Agency, in the State of Nebraska, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. McCOMAS submitted an amendment proposing that hereafter the salary of the Chief Justice of the Supreme Court shall be \$15,500 per year, and that of each of the associate justices thereof shall be \$15,000 per year; to each of the circuit judges \$9,000; to each of the district judges \$7,500; to the chief justice of the court of appeals of the District of Columbia \$8,500 a year; to each of the

associate justices thereof \$8,000 a year; to the chief justice and each of the associate justices of the supreme court of the District of Columbia \$7,500 per year, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. TOWNE submitted an amendment proposing to appropriate \$182,590.67 to reimburse the city of Duluth, Minn., for moneys expended in and about the construction, repair, and preservation of certain public works on the harbor of Duluth in 1870, 1871, and 1872, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

EXTENSION OF VERMONT AVENUE.

Mr. MONEY submitted an amendment intended to be proposed by him to the bill (S. 2265) for the extension of Vermont avenue; which was referred to the Committee on the District of Columbia, and ordered to be printed.

IRRIGATION INVESTIGATION IN CALIFORNIA.

Mr. PERKINS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of Agriculture be, and hereby is, directed to transmit to the Senate the results of the cooperative irrigation investigations made in the State of California by the Department of Agriculture and the California Water and Forestry Association.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on this day approved and signed the following acts:

An act (S. 92) granting a pension to William M. Ferry;
An act (S. 244) granting a pension to Mary Jane McLaughlin;
An act (S. 712) granting a pension to Nellie L. Groshon;
An act (S. 1245) granting a pension to Oliver Domon;
An act (S. 173) granting an increase of pension to John H. Morrison;

An act (S. 218) granting an increase of pension to Sarah E. Tate;
An act (S. 262) granting an increase of pension to Charles H. Irvin;

An act (S. 751) granting an increase of pension to Mathew T. Jones;

An act (S. 1347) granting an increase of pension to Marie Sharpe; and

An act (S. 1348) granting an increase of pension to Eliza M. Stillman.

COURTS IN WEST VIRGINIA.

Mr. SPOONER. I ask the unanimous consent of the Senate for the present consideration of the bill (H. R. 953) to divide the State of West Virginia into two judicial districts.

Mr. JONES of Arkansas. Mr. President, I am unwilling that the bill shall be considered at the present time. I object to it now. I want time to look into it.

The PRESIDENT pro tempore. Objection is made, and the bill will retain its place on the Calendar.

EDWARD W. NORTONI.

Mr. COCKRELL. I move that the Committee on Pensions be discharged from the further consideration of the bill (S. 478) to increase the pension of Edward W. Nortoni, and that it be indefinitely postponed, because the beneficiary is dead.

The motion was agreed to.

THOMAS J. REID.

Mr. COCKRELL. I also move that the Committee on Pensions be discharged from the further consideration of the bill (S. 520) granting a pension to Thomas J. Reid, and that it be indefinitely postponed, he also having deceased.

The motion was agreed to.

W. W. WHEELER.

Mr. COCKRELL. I also move that the Committee on Claims be discharged from the further consideration of the bill (S. 448) to permit W. W. Wheeler to prosecute a claim. It is not the bill that was intended for consideration, but the bill (S. 553) to authorize W. W. Wheeler to prosecute a claim is the proper bill to be considered.

The motion was agreed to.

Mr. COCKRELL. I move that the bill be indefinitely postponed.

The motion was agreed to.

REPORT OF POSTAL COMMISSION.

Mr. WOLCOTT. Mr. President, I desire to present, on behalf of the commission appointed by Congress to investigate certain questions of the postal service, including railway mail pay, the report of the commission, which consists of a main report with three or four additional reports by individual members of the commission, all included in one document, which I file.

I shall ask that the report may lie on the table and that an order

may be made for the printing of a certain number of copies of the report, of which a certain number shall be for the use of the Senate and the others for the use of the House. This I will present later.

In submitting the report I will state to the Senate that under the law it was to have been filed upon the 1st of January, and that it was ready to be filed at that time, but illness has prevented its being earlier presented to this body.

Mr. BUTLER. My attention was diverted at the moment the Senator began his remarks. May I ask if this is the report of the Postal Commission?

Mr. WOLCOTT. Yes.

Mr. BUTLER. It is the final report?

Mr. WOLCOTT. Yes.

Mr. BUTLER. And the Senator now asks to have it all printed together? It has been printed in installments, I believe.

Mr. WOLCOTT. The evidence was printed under the law long ago.

Mr. BUTLER. This is the report?

Mr. WOLCOTT. This is the report.

Mr. BUTLER. The evidence was printed in detached volumes. Has it all been put together?

Mr. WOLCOTT. Everything has been done. I offer the following resolution:

Resolved, That there shall be printed 2,000 copies of the report of the Railway Mail Pay Commission.

I am informed a similar resolution has been offered in the House and that the House will provide for its own printing of the document. I suggest 2,000 copies of the report for the Senate.

Mr. HALE. Does the Senator think that that is a large enough number? There will be great demand all over the country for the document. I should think that the number ought to be 3,000.

Mr. WOLCOTT. I will amend the resolution by increasing the number to 3,000 copies.

The PRESIDENT pro tempore. The report will be received, and at the request of the Senator from Colorado it will lie on the table. The Senator from Colorado offers a resolution, which will be read.

The resolution was read, as follows:

Resolved, That there shall be printed 3,000 copies of the report of the Railway Mail Pay Commission.

Mr. WOLCOTT. I wish to state further to the Senate that in the meetings of the commission we have been deprived of the presence of one member of the commission, the Senator from New Hampshire [Mr. CHANDLER]; and I desire to say, though without authority to do so, that it is very possible that that Senator may find it his duty to file later some further report or some individual views upon this subject, which may be presented to the Senate in due course.

The PRESIDENT pro tempore. Will the Senate agree to the resolution?

The resolution was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed with amendments the following bills:

A bill (S. 91) granting a pension to J. J. Groff;

A bill (S. 292) granting an increase of pension to Martha G. D. Lyster;

A bill (S. 349) granting an increase of pension to James H. Coventon;

A bill (S. 667) granting a pension to B. H. Randall;

A bill (S. 1400) granting a pension to William Lyman Chittenden;

A bill (S. 1413) granting a pension to Erie E. Farmer;

A bill (S. 2166) granting a pension to Charles A. D. Wiswell;

A bill (S. 2400) granting an increase of pension to Edith Lockwood Sturdy;

A bill (S. 2432) granting an increase of pension to James A. Thomas;

A bill (S. 2729) granting a pension to Eliza L. Reese;

A bill (S. 3342) granting a pension to Samuel Dornon;

A bill (S. 3457) granting an increase of pension to Laura Ann Smith;

A bill (S. 3642) restoring the pension of Augustus R. Rollins, alias Rhenault A. Rollins;

A bill (S. 3890) granting an increase of pension to Americus V. Rice;

A bill (S. 4054) granting an increase of pension to Elizabeth W. Eldridge;

A bill (S. 4441) granting an increase of pension to Gertrude B. Wilkinson;

A bill (S. 4574) granting an increase of pension to Mary Emily Wilcox;

A bill (S. 4575) granting an increase of pension to Thomas Claiborne; and

A bill (S. 5093) granting an increase of pension to Charlotte W. Drew.

The message also announced that the House had passed the bill (S. 2884) for the relief of Edward Everett Hayden, an ensign on the retired list of the Navy.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 191) granting an increase of pension to Laura P. Lee;

A bill (H. R. 236) granting an increase of pension to Albert M. Bennett;

A bill (H. R. 296) granting an increase of pension to Mattie Otis Dickinson;

A bill (H. R. 417) for the relief of Henry Cook;

A bill (H. R. 425) for the relief of David K. Reynolds;

A bill (H. R. 429) granting an increase of pension to John R. Joy;

A bill (H. R. 1604) granting an increase of pension to Joel H. Hallowell;

A bill (H. R. 1995) granting an increase of pension to Frederick O. Lathrop;

A bill (H. R. 2085) granting a pension to Jane A. E. Womack;

A bill (H. R. 2092) granting an increase of pension to Madison McColister;

A bill (H. R. 2178) granting an increase of pension to James Beistle;

A bill (H. R. 2395) granting an increase of pension to Matthew McDonald;

A bill (H. R. 2399) granting an increase of pension to Edward McDuffey;

A bill (H. R. 2464) to remove the charge of desertion from the military record of Nicholas Swingle;

A bill (H. R. 2527) granting a pension to David Briggs;

A bill (H. R. 2595) granting an increase of pension to William C. Griffin;

A bill (H. R. 2816) granting a pension to Annie C. Collier;

A bill (H. R. 3135) to correct the military record of Lieut. Edward B. Howard;

A bill (H. R. 3247) granting an increase of pension to George Mowry;

A bill (H. R. 3436) granting an increase of pension to John Abel;

A bill (H. R. 3512) granting a pension to Rebecca G. Irwin;

A bill (H. R. 3545) granting a pension to Ellen Hardin Walworth;

A bill (H. R. 3546) granting a pension to Caroline M. H. Searing;

A bill (H. R. 3784) granting an increase of pension to Linsay C. Jones;

A bill (H. R. 3871) granting a pension to William J. Worthington;

A bill (H. R. 4018) granting a pension to Elizabeth Dinnon;

A bill (H. R. 4020) for the relief of William Burke;

A bill (H. R. 4217) granting an increase of pension to Michael Dignon;

A bill (H. R. 4651) granting a pension to Emily Alder;

A bill (H. R. 4962) granting a pension to James E. Bates;

A bill (H. R. 4963) granting an increase of pension to Charles E. Churchill;

A bill (H. R. 5224) granting an increase of pension to Daniel Smith;

A bill (H. R. 5336) granting an increase of pension to William S. Swaney;

A bill (H. R. 5599) granting an honorable discharge to James L. Proctor;

A bill (H. R. 5610) granting a pension to Elizabeth B. McClellan;

A bill (H. R. 5853) granting a pension to Mary Black;

A bill (H. R. 5898) granting an increase of pension to George F. White;

A bill (H. R. 6323) for the relief of John McDonald, alias John Shannon;

A bill (H. R. 6492) to correct the military record of James Donahue;

A bill (H. R. 6787) granting an increase of pension to Edwin A. Wilson;

A bill (H. R. 6810) granting an increase of pension to Peter Anderson;

A bill (H. R. 6997) granting an increase of pension to Josephine H. Whitehead;

A bill (H. R. 7024) granting an increase of pension to Sarah Heriman;

A bill (H. R. 7053) granting a pension to Addie S. Potter;

A bill (H. R. 7152) granting an increase of pension to Nancy L. Donaldson;

A bill (H. R. 7243) to remove the charge of desertion from the military record of Silas Nicholson;

A bill (H. R. 7580) granting a pension to Samuel N. Haskins;

A bill (H. R. 7602) to correct the military record of Palmer G. Percy;

A bill (H. R. 7617) granting an increase of pension to Rebecca Tolson;

A bill (H. R. 7757) granting a pension to Agnes Ryder;

A bill (H. R. 8091) granting a pension to Benjamin E. Styles;

A bill (H. R. 8106) granting a pension to Olivia Donathy;

A bill (H. R. 8190) granting a pension to Henry Miller;

A bill (H. R. 8474) to remove the charge of desertion from the military record of Gustavus Adolphus Thompson;

A bill (H. R. 8594) granting a pension to Matilda Rapp;

A bill (H. R. 8679) granting an increase of pension to Chauncey Sheldon;

A bill (H. R. 8771) granting an increase of pension to Lyman A. Sayles;

A bill (H. R. 8794) granting an increase of pension to Ellen H. Phillips;

A bill (H. R. 8966) for the relief of certain Indians in the Indian Territory who desire to sell their lands and improvements and emigrate elsewhere;

A bill (H. R. 9106) granting a pension to Nancy Marshall;

A bill (H. R. 9165) granting an increase of pension to Horace L. Stiles;

A bill (H. R. 9177) granting an increase of pension to Luke P. Allphin;

A bill (H. R. 9382) granting a pension to Adella M. Anthony;

A bill (H. R. 9404) granting a pension to Elizabeth Hendricks;

A bill (H. R. 9672) granting an increase of pension to Mary J. D. McGlensey;

A bill (H. R. 9745) granting a pension to Susan Sidenbender;

A bill (H. R. 9787) granting a pension to Marion M. Stone;

A bill (H. R. 9874) granting an increase of pension to Anna F. Johnson;

A bill (H. R. 9903) granting an increase of pension to Henry B. Shell;

A bill (H. R. 9928) granting an increase of pension to H. S. Reed, alias Daniel Hull;

A bill (H. R. 9935) granting an increase of pension to Martin Sherwood;

A bill (H. R. 10021) granting an increase of pension to John R. Robinson;

A bill (H. R. 10069) granting a pension to Sarah T. Brewer;

A bill (H. R. 10482) granting a pension to Pattie D. McCown;

A bill (H. R. 10567) granting a pension to Mary L. Tweddle;

A bill (H. R. 10617) granting an increase of pension to Kate E. Duffy;

A bill (H. R. 10664) granting permission to the Indians on the Grand Portage Indian Reservation, in the State of Minnesota, to cut and dispose of the timber on their several allotments on said reservation;

A bill (H. R. 10706) granting a pension to Flora Moore;

A bill (H. R. 10792) granting an increase of pension to John T. Knox;

A bill (H. R. 10846) to authorize the construction of a bridge across the Mississippi River at or near Cape Girardeau, Mo.;

A bill (H. R. 10967) to authorize Arizona Water Company to construct power plant on Pima Indian Reservation, in Maricopa County, Ariz.;

A bill (H. R. 11091) granting a pension to Ambrose Brisett;

A bill (H. R. 11196) granting an increase of pension to Louis Snyder;

A bill (H. R. 11335) granting an increase of pension to Silas Howard;

A bill (H. R. 11361) granting a pension to Susan A. Miller;

A bill (H. R. 11452) granting a pension to Nettie L. Bliss;

A bill (H. R. 11508) granting a pension to George T. Boulding;

A bill (H. R. 11574) granting a pension to William H. Palmer;

A bill (H. R. 11583) granting an increase of pension to Jerome R. Rowley;

A bill (H. R. 11680) granting an increase of pension to Isabela Myers;

A bill (H. R. 11768) granting an increase of pension to John Walker;

A bill (H. R. 11795) granting a pension to Columbus S. Whitaker;

A bill (H. R. 11910) granting an increase of pension to Thomas H. Roberts;

A bill (H. R. 11927) granting a pension to Elizabeth Dickerson;

A bill (H. R. 11985) granting an increase of pension to Henry C. Brooks;

A bill (H. R. 12061) granting an increase of pension to Henry S. Topping;

A bill (H. R. 12079) granting an increase of pension to Benjamin T. Thomas;

A bill (H. R. 12233) granting a pension to Ashel C. Aulick;

A bill (H. R. 12245) granting an increase of pension to Henry A. Jordan;

A bill (H. R. 12546) to change and fix the time for holding the district and circuit courts of the United States for the northeastern division of the eastern district of Tennessee;

A bill (H. R. 12620) granting an increase of pension to John P. C. Shanks; and

A bill (H. R. 13399) for the establishment of a beacon light on Hambrook Bar, Choptank River, Maryland, and for other purposes.

PETITION OF FILIPINOS.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a former day, which will be read.

The Secretary read the resolution submitted by Mr. TELLER on the 10th instant, as follows:

Ordered, That the petition of certain inhabitants of the Philippine Islands, which has to-day been read in the Senate, be printed as a document, together with the names of the signers.

Mr. HAWLEY. On consultation with my colleague and neighbor, he kindly agrees that the resolution may go over, holding its place.

Mr. TELLER. The chairman of the Committee on Military Affairs has asked me if I would allow him to have the resolution passed over to-day, retaining its place on the table, and I have assented to that course.

The PRESIDENT pro tempore. Is there objection to the request made that the resolution be passed over for the present, retaining its place? The Chair hears none, and that order is made.

STATIONERY ROOM OF THE SENATE.

The PRESIDENT pro tempore laid before the Senate the resolution submitted by Mr. MORGAN on the 11th instant; which was read, as follows:

Resolved, That the Committee to Audit and Control the Contingent Expenses of the Senate shall have the control of the officers of the stationery room of the Senate so as to inquire into and, from time to time, to report upon the conduct thereof.

Mr. SPOONER. I move the reference of the resolution to the Committee on Rules.

Mr. MORGAN. That is right. I have no objection to the reference.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Wisconsin [Mr. SPOONER] that the resolution be referred to the Committee on Rules.

The motion was agreed to.

THE MILITARY ESTABLISHMENT.

Mr. HAWLEY. I ask unanimous consent that the Senate proceed to the consideration of the Army bill.

There being no objection, the Senate resumed the consideration of the bill (S. 4300) to increase the efficiency of the military establishment of the United States, the pending question being on the amendment submitted by Mr. BACON, on page 12, section 2, line 17, after the word "authorized" to strike out:

Provided, That the President, in his discretion, may increase the number of corporals in any troop of cavalry to 8, and the number of privates to 76.

Mr. BACON. Mr. President, there are three amendments offered by myself, identical in terms, each designed to accomplish the same purpose, and each relating to different branches of the subject—one to the cavalry, one to the artillery, and one to the infantry. If consistent with the views of the Chair, I will suggest that possibly the three amendments may be acted upon at the same time.

Mr. HAWLEY. I am extremely anxious to hear what the Senator is saying, but I can not hear him, either because his voice is insufficient or the noise in the Chamber is so great.

Mr. BACON. I will repeat that there are three amendments offered by me, one of which has been read, each of the three designed to accomplish the same purpose, but each relating to a different branch of the service—one to the artillery, one to the cavalry, and one to the infantry. My suggestion was that possibly, in the interest of time, it might be, though not strictly in accordance with the ordinary procedure, that the three might be acted upon at once.

Mr. HAWLEY. I have yet to learn what the purpose or the motive of the Senator is, or what is the necessity for his amendment.

Mr. BACON. Mr. President, I have no objection if the Senator prefers to proceed in detail. I simply proposed to act upon the three amendments at the same time, as they are all identical.

Mr. HAWLEY. Why act upon them at all? That is my question.

Mr. BACON. I did not understand the inquiry of the Senator.

Mr. President, I endeavored on Friday, when this matter was last before the Senate, to indicate the ground of my objection. My objection is that it is not necessary that this amendment of the committee should be in the bill in order that the President should have the authority to enlist the maximum number. The objection that I have to this portion of the bill, as I endeavored

to state a little more in detail on Friday last than I feel justified in now repeating, is that I am opposed to that feature of the bill which puts it in the power of the President of the United States, in his own discretion, at any time when he might think proper, by his simple order to add 50,000 men to the Army of the United States. I say, Mr. President, that is utterly opposed to the spirit of our institutions, that it is an invasion of the prerogatives of the Congress of the United States, and that it should never be voluntarily enacted by Congress as law.

Mr. President, I do not desire to repeat what I have already said. I presume the Senator from Connecticut [Mr. HAWLEY] was in the Chamber on Friday last, when I addressed the Senate upon this subject; but I will add one word. The history of the decadence of legislative power, the history of the increase of executive power, is generally the history found in usurpations by the executive, and is rarely found in the history of the voluntary surrender by a legislative body of the power which it possesses.

I assert, Mr. President—and if I am in error I think it is a matter of sufficient importance to challenge the attention of Senators and to evoke from them suggestions which may show the incorrectness of my position—I assert that not only the letter of the Constitution, but the spirit of the Constitution and the intention of the Constitution is that the question of the size of the Army shall be determined by the Congress of the United States, and not by the Executive. I say from the foundation of the Government to the present time that has been the spirit of our law, the genius of our institutions, and it would be the most radical departure from the practice and the principles of a hundred years if we should turn the matter over to the Executive and say it shall be within his discretion and within his power, without any suggestion or without any further authority from the Congress of the United States, at any time to add 50,000 men to the number of the Army of the United States.

Mr. HAWLEY. Will the Senator just take a few off that number of 50,000—say, 49,000?

Mr. BACON. I will if it will be any gratification to the Senator; but I do not see how that suggestion rises to the dignity of this occasion. I do not see how a suggestion so frivolous as that comports with the gravity of the issue we are met with to-day. It is no light question, Mr. President; but I will say to the Senator it is a question that is not going to be decided by the passage of this bill. I presume there is a determination on the part of the majority to pass this bill. They have the power to do it in this House and in the other House; and I presume from what has been said and done that it is the intention to surrender this power which the Constitution puts in Congress, and to confer it upon the Executive.

There is a greater question in it than the mere question of the relative power of the legislative and of the executive departments of the Government. It is a question which relates to the preservation of that which has been won by our race in hundreds of years of conflict and of sacrifice, and if Senators think that the passage of this bill is going to work this revolution in the institutions of this country and that no more is to be heard from it they are mistaken.

Mr. President, the people have not yet waked up to and do not realize the enormity of this proposition, but they will do it; and I do not believe that the American people, whenever they come to realize and to appreciate the fact that the proposition is to put it in the power of the Executive to say whether or not 50,000 men shall be added to the size of the Army, will ever indorse it or that they will ever sustain such legislation.

Mr. BERRY. Will the Senator permit me a question?

Mr. BACON. Certainly.

Mr. BERRY. Do I understand the Senator to say that, unless his amendment is adopted, under this bill hereafter, in case the Army should be reduced to a minimum, when the emergency is passed the President would have the power, without authority from Congress, to raise that number of the Army to a greater number?

Mr. BACON. I mean to say, in response to the inquiry of the Senator from Arkansas, that the language is susceptible of that construction, and that the party in power has announced on the floor of the Senate that that is the construction they put upon it.

Mr. BERRY. One other question. Will the amendment offered by the Senator from Georgia make it clear that that can not be done?

Mr. BACON. I think it will, and that is the purpose of the amendment.

Mr. BERRY. I hope the Senator will so frame his amendment that there will be no doubt upon the subject. I understood the Senator from Connecticut [Mr. PLATT] on Friday to say that the bill did not confer that power, or that he was afraid it did not, but would be glad if it did. It seems to me that the Senator from Georgia should make his amendment so clear and so specific that all the world would understand that the President has no

such power, because certainly such power ought not to be granted to any President of the United States.

Mr. BACON. I agree with the Senator.

Mr. HAWLEY. I will say only a word, and then I will leave the matter to the Senate. This bill has been most laboriously perfected by the aid of the best soldiers in the Army, and it was supposed to be as good as it could be made. I do not like to see these small amendments adopted; but I am not afraid of 4 or 5 corporals in the cavalry, a few more men in the artillery, and a few more enlisted men in the infantry.

Mr. BACON. The Senator well knows that this particular clause is the clause by which, in the exercise of this power by the President of the United States, the aggregate number of the Army will be raised from the minimum of fifty-odd thousand to the maximum of 98,000; and he talks about 3 or 4 corporals and a few dozen men.

Mr. TELLER. One hundred and eight thousand men.

Mr. BACON. One hundred and eight thousand men.

Mr. TELLER. I want to say that I think a careful examination will show at least 100,000 men, or about 108,000.

Mr. BACON. That being the case, it is not such a trivial proposition as the Senator from Connecticut [Mr. HAWLEY] would have us understand. It is not a question of the addition of a few men.

Mr. FORAKER. Will the Senator allow me?

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Ohio?

Mr. BACON. With pleasure.

Mr. FORAKER. There must be some mistake, or, if not, I do not understand this bill. I do not know where it is found that the bill provides for a maximum of 108,000. There is an express provision in one of the last clauses to the effect that it shall not exceed 100,000.

Mr. TELLER. Where?

Mr. FORAKER. On page 44 of the print I have in my hand, at the close of the first paragraph on that page, this is the language of the bill:

The total number of enlisted men in said native organizations shall not exceed 12,000, and the total enlisted force of the line of the Army, together with such native force, shall not exceed at any one time 100,000.

Mr. TELLER. There is such a provision there, but it is contrary to other provisions. If the President should carry out the power that is given to him, you would find on examination that the Army would exceed 100,000.

Mr. FORAKER. I have not made any computation, but I rely upon—

Mr. TELLER. It is possible that the last provision might govern the former.

Mr. FORAKER. Will the Senator from Georgia allow me to interrupt him for just a moment further?

Mr. BACON. Certainly.

Mr. FORAKER. It seems to me the effect of the Senator's amendment, if adopted, would be to make the maximum of the Army 54,000 or 58,000, whichever number is the aggregate computation. I have not made any computation, but rely simply upon the statements of others as to what the computation shows. There would be no power anywhere, either now or hereafter, except only that of Congress, to increase the Army. We would have a fixed provision as to the size of the Army, both as to its maximum and its minimum, and there would be no elasticity or flexibility in it whatever.

Mr. BACON. The Senator from Ohio is quite correct. The matter was brought to the attention of the Senate on Friday last to the same effect he now states, and it was then suggested by me that if this section were stricken out—and the Senator from Wisconsin [Mr. SPOONER] will remember that he raised the same point on Friday that was suggested by me—the friends of the measure who favored a maximum of 98,000 could very easily insert a clause following the clause immediately preceding, which would fix the maximum in the same way as the clause preceding it would fix the minimum. That is not inconsistent with the striking out of this clause.

Mr. FORAKER. If the Senator will allow me to ask him another question, I will not interrupt him again, because they all go together.

Mr. BACON. I yield to the Senator with pleasure.

Mr. FORAKER. Would not the effect of the amendment of the Senator, if adopted, be not only to destroy the maximum, but to make the minimum the maximum? Would not the maximum fixed by this bill be also destroyed by the effect of the provision, if adopted, on page 40, line 15, section 26 as renumbered, which reads as follows:

That the President is authorized to maintain the enlisted force of the several organizations of the Army at their maximum strength as fixed by this act during the present exigencies of the service or until such time as Congress may hereafter direct.

I do not intend to vote for any of the amendments offered by the Senator. I think the flexible feature of this bill is one of its

best features. It enables us to maintain a minimum in time of peace and a maximum when there is a necessity for it; and it enables us to increase or decrease one or the other arm of the service as there may be, or not, occasion for one or the other to be increased or decreased. But if the amendment should be adopted at all, I call the Senator's attention to the fact that it ought also to remain as to that part of the bill providing that the maximum shall be 100,000; and there ought to be some amendment to section 26. In other words, the amendment would be entirely inconsistent with the rest of the bill.

Mr. BACON. Mr. President—

Mr. PROCTOR. Will the Senator allow me a word?

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Vermont?

Mr. BACON. Certainly.

Mr. PROCTOR. Section 26, if language means anything, in my view plainly covers every one of these organizations and limits the power of the President to increase to the maximum every one of these separate organizations "during the present exigencies of the service." The language limits his power to maintain the enlisted force of the several arms of the service, and that means the cavalry, the infantry, and the artillery, of course.

Mr. BACON. If Senators on the other side of the Chamber agree with the Senator from Vermont, I will withdraw the amendment, because, while I do not favor the proposition that it shall be within the discretion of the President to increase the Army, I recognize the fact that under the present emergency the number which would be enlisted promptly would be the maximum number, and if the view taken by the Senator from Vermont is correct, that, when maximum has once been reached and has thereafter been decreased to the minimum, the power to increase would be exhausted. If that is the view of the Senator, and if other Senators agree with it, that would be satisfactory so far as that provision is concerned.

But I am not in favor of the maximum number except for temporary purposes. At the same time there would be no reason to move to strike out those provisions. So if the Senator will secure from his side of the Chamber support of an amendment which will distinctly and expressly negative the power of the President when this Army has once been decreased to its minimum, thereafter, in his discretion, to increase it, I will not press my amendment. But if the Senator from Vermont has not the concurrence of his colleagues on the other side of the Chamber in that proposition, then there comes up what is to me the great enormity of the bill, which is not the view taken of it by the Senator from Vermont, that this is a power given to the President not to be exercised only once during this emergency, but that, according to the suggestions and contentions of his colleagues on the other side of the Chamber, it is a power to remain, and to be a continuing power so long as this act remains upon the statute books, which will enable the President at any time, in his judgment, in his discretion, without limitation, without question, without control from anyone, to increase the Army from 50,000 to 98,000, if you please. I do not know whether either the Senator from Ohio [Mr. FORAKER] or the Senator from Colorado [Mr. TELLER] is correct in his computation as to what is the maximum, but 98,000 is sufficient for the purposes of this argument.

Mr. BURROWS. May I ask the Senator a question?

Mr. BACON. Certainly.

Mr. BURROWS. How is it possible to convert the expression "during the present exigencies" into "any exigency?"

Mr. BACON. The Senator is quite correct; and if that were the only section there would be no doubt about it; but when these three other clauses, against which my amendments are directed, give the unlimited power, and when Senators, and numbers of them, on the other side of the Chamber say that this is to be a continuing power, are we to leave that in doubt?

Let the Senators who say that support the amendment offered—and I think they should if they do not offer it themselves—support an amendment distinctly negating the power of the President to increase the Army after the present emergency, and I will not press these amendments.

But one of two things ought to be done, Mr. President. Either these three clauses in the bill which confer absolute, unlimited power, so far as they are concerned, upon the President ought to be taken out of the bill, or else the question raised by Senators should be settled by a distinct provision negating the continuance of that power.

Mr. PROCTOR. Mr. President, on the first day this bill was up for discussion the Senator from Arkansas and other Senators, and I think the Senator from Georgia, objected to the last clause of the first sentence of section 26, "or until such time as Congress may hereafter direct." That was intended as a limitation; but if Senators understand it otherwise, there is no objection to striking it out.

Mr. BACON. No; striking that out does not meet the question with me.

Mr. PROCTOR. The Senator from Arkansas, I recollect, for one understands it differently from that.

Mr. BACON. That may remove one objection; but it would not remove the particular objection to which I have referred.

Mr. PROCTOR. I do not see how language can be any plainer than this is in the limitation of the enlisted force of the several organizations in the Army to their maximum strength "during the present exigencies of the service." I should like to ask if it would help the Senator if the words were inserted in each one of these several provisions, "during the present exigencies of the service." Would that satisfy him?

Mr. BACON. Mr. President, the Senator now puts the question in language to which I would not be willing to give my unlimited consent as to whether that would be satisfactory or not. I will say, though, that the bill would then be relieved of the feature of greatest objection to me, which is, as I understand, the continuing power of the President, and it would make it unnecessary that I should ask any vote upon these amendments. If the Senator will offer those amendments, or permit those amendments, inserting in each of those three places the same words found in section 26, while of course I do not yield the proposition that the power ought never to be given to the President, still that is the theory of this bill, and if it is properly guarded I shall not make any further effort to strike out those provisions.

Mr. PROCTOR. The Senator will see that it is necessary to have these three provisions under each of these heads in each of the corps of the service, for the reason that it may be consistent to reduce one of them. The infantry might be reduced, while the cavalry would be required to be at the maximum for a longer term. So the Senator can see there is a very good reason for inserting this provision.

Mr. BACON. If I may have the attention of the Senator from Vermont for a moment—

Mr. PROCTOR. The chairman of the committee [Mr. HAWLEY] agrees with me that there is no objection to inserting the words suggested in the places referred to.

Mr. BACON. In lieu of my amendments, then, which I have pending, I will ask that in line 14, on page 16, after the word "discretion," there may be inserted the same words as are found on page 40, section 16, "during the present exigencies of the service," so as to read:

That the President, in his discretion, during the present exigencies of the service, may increase, etc.

Mr. President, I offer that amendment to come in in each one of the sections to which I have referred. Of course, in offering it the Senate will not understand me as giving up the proposition that the President ought not to have the power to increase the Army at all, but to relieve that particular feature of the objection against which my amendment is directed I offer these amendments in the place of the others.

The PRESIDENT pro tempore. Does the Senator from Georgia withdraw the amendment pending and offer another?

Mr. BACON. Yes, sir.

The PRESIDENT pro tempore. The amendment now submitted by the Senator from Georgia will be stated.

The SECRETARY. In lieu of the former amendment offered by Mr. BACON it is proposed to amend, in line 17, on page 12, after the word "President," by inserting the words "during the present exigencies of the service;" so as to read:

Provided, That the President during the present exigencies of the service, in his discretion, may increase the number of corporals in any troop of cavalry to eight, etc.

Mr. CAFFERY. Mr. President, I desire to ask the Senator from Georgia a question. As I understand from the amendment to which the Senator has last consented, he now considers that there is an emergency for the increase of the Army to the maximum?

Mr. BACON. Nothing that I have said or that I could possibly say could be construed into any consent by me to an increase of the Regular Army to the maximum proposed. On the contrary, everything I have said has been to protest against it. While, of course, we are endeavoring to assist in relieving the bill of the features which are objectionable, so far as we can, in no manner am I committed to consent to the suggestion of the inquiry made by the Senator from Louisiana [Mr. CAFFERY].

I think that the standing army ought not to be increased to 100,000 men. I think that the utmost limit of it ought to be the standing army that existed prior to a few years ago, with the addition of 5,000 men, which are deemed to be necessary to properly man the seacoast defenses, which was passed upon by the Senate at the last session in the enactment of the original bill for the reorganization of the Army. To that extent I am willing to go, but no further.

I think, so far as the present emergency is concerned, it ought to be met in one of two ways. It might be met by the organization of an army especially designed for that foreign service, which

should be an army separate from our permanent military establishment. I should very much prefer to see that plan adopted. That might not in any manner threaten a change in the regular practice, the recognized practice and principles of this Government for a hundred years, which has limited the Regular Army of the United States to a small number. If we had this colonial army, if you might please to term it that for convenience, when the emergency had passed it could disappear, it could be withdrawn from service, or mustered out of service, without any dislocation of that connection which otherwise it would have with the Regular Army of the United States, and the Regular Army of the United States be maintained according to the domestic needs and requirements of the country.

We could have this foreign army, if you might so term it, or an army in foreign parts or in colonial parts, use it only when needed, and disband it when not needed. Another way in which it might be done is by a repetition of what we did two years ago, by an increase of this Army, either in its regular capacity or by addition to it of volunteers in such numbers as the emergency required to call forth for a limited time, for two years, and after that time our regular military establishment would assume its normal proportions. In one of these two ways, I think, it would be proper to have it done. Whilst I should prefer the former, I am ready to vote for the latter, but under no possible circumstances will I vote for any bill which increases the Regular Army of the United States to 100,000 men. I do not know whether I make myself clear to the distinguished Senator from Louisiana, but I have endeavored to do so.

Mr. CAFFERY. The point of my question is simply this (the Senator will pardon me if I put a wrong construction upon his language): As I understand, he limits the scope of his amendment to what may be termed the present emergency, and in further answer he says that the emergency might be met either by the simple organization of a foreign army for foreign purposes, or by such a provision as that inserted two years ago into the bill for the increase of the Army temporarily. What I desire to get at is, whether, in the opinion of the Senator, we could constitutionally and properly permit any abnormal increase of the Army now to meet any emergency at present existing.

Mr. MALLORY. Will the Senator from Louisiana permit me to ask him a question? The term used is "exigency," I believe.

Mr. CAFFERY. Yes, sir.

Mr. MALLORY. Has the Senator from Louisiana any understanding of what that present exigency is?

Mr. CAFFERY. My understanding of the exigency is the Presidential idea of carrying on war in the Philippines. Carrying on a war of subjugation in the islands of the archipelago. That is my idea of the exigency. The question I propounded to the Senator from Georgia was whether in his opinion that exigency demanded, if there is such a thing as an exigency in that particular, so abnormal an increase of the Army as is proposed in this bill.

Mr. MALLORY. It strikes me that the term "present exigency" is somewhat vague and inexplicit, and while it may be construed, as the Senator from Louisiana construes it, to apply solely to the disturbance now existing in the Philippine Islands, it might, it seems to me, also be construed to apply to other conditions which exist in other portions of our acquisitions or proposed acquisitions. We may possibly have an exigency—I do not know that it is imminent at all, but we may have one within a reasonable time—in the island of Cuba.

Mr. SPOONER. That is not an acquisition of ours.

Mr. CAFFERY. The exigency seems to comprehend and embrace all future possibilities of war. I was very much entertained the other day by a debate in which the junior Senator from Massachusetts took a conspicuous part, wherein he stated that one of the exigencies might be—probably was—the defense of the future canal to be constructed across the Isthmus of Darien. Now, what other exigency gentlemen of a warlike disposition may conjure up in the future I can not tell. I see no present exigency, using the term as it has been used by Senators in debate, except—

Mr. ALLEN. I should like, with the consent of the Senator, to put to him a question.

Mr. CAFFERY. Just let me finish the sentence—except the present war going on in the Philippine Islands between the United States military forces and what are termed the rebellious forces of the people of those islands. Now I will listen to the Senator from Nebraska.

Mr. ALLEN. I wanted to ask the Senator from Louisiana what he understands by the expression "the present exigencies of the service?" What is meant by that?

Mr. CAFFERY. I have attempted to explain what I understand by it. Now we had a peace establishment of, say, 30,000 men. This bill allows an increase of 70,000 men to form a permanent standing army. The ground mainly urged for this as a proper increase is the success of our arms in the Philippine Islands. These other exigencies I consider purely conjectural and would not form

the basis or ought not to form the basis of any increase in the Army.

Mr. ALLEN. Then I should like to ask the Senator—

Mr. CAFFERY. I can understand the imperialistic policy—

Mr. ALLEN. I should like to ask the Senator another question, if he is disposed to answer it. Would not the insertion of the amendment of the distinguished Senator from Georgia—"during the present exigency"—be a legal recognition of some exigency that it is constitutional and proper to meet; and would not that be a recognition of the existing condition between the United States and the Filipinos?

Mr. CAFFERY. I do not want to pass any opinion.

Mr. ALLEN. I address myself now to the legal judgment of the Senator from Louisiana.

Mr. CAFFERY. I will candidly state to my friend that in my opinion the position assumed by the Senator from Georgia would legalize and bring within the constitutional scope the present war in the Philippine Islands. That is what I think. I can not see any other conclusion to be derived from the statement that he limits the proposed increase to the present exigency. Now, as there is no other exigency except this war, he therefore would recognize the validity of the war.

Mr. ALLEN. The effect, then, is to recognize the legality of the proceedings in the Philippine Islands.

Mr. CAFFERY. Not all of the proceedings.

Mr. ALLEN. The war proceedings?

Mr. CAFFERY. The war proceedings. Yes, sir; I think so. The Senator from Georgia has disclaimed in emphatic terms that he is in favor of any increase of the Army for a permanent organization, and limits his consent to an increase to what he calls the present exigency.

Mr. BACON. Oh, I do not consent to it at all.

Mr. CAFFERY. Well, it is an implied consent.

Mr. BACON. Not at all.

Mr. CAFFERY. Not an expressed one.

Mr. BACON. On the contrary, I distinctly repudiate it and deny it.

Mr. CAFFERY. The Senator from Georgia, of course, must pardon other Senators if they draw the construction from his language which is natural and which flows from his language, and, I think, is a natural consequence. His postulate is that he is opposed to a permanent increase of the Army. He modifies and qualifies that statement—he does not exactly favor, but he will permit, so far as he is concerned, an increase of the Army to meet the present exigency.

Mr. ALLEN. Will the Senator permit one other question? I will not unnecessarily interrupt him. Does not the use of the expression "during the present exigency" recognize a condition in the Philippine Islands wherein it is perfectly lawful and proper for the United States to increase its Army, and by fighting overcome or conquer it?

Mr. CAFFERY. I think so.

Mr. FORAKER obtained the floor.

Mr. BACON. The Senator from Louisiana—

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Ohio yield to the Senator from Georgia?

Mr. FORAKER. Certainly.

Mr. BACON. The Senator from Ohio will pardon me for a moment. The Senator from Louisiana asked a question, and proceeded to answer it himself and had the Senator from Nebraska answer it, and I would rather answer it for myself. It is a very remarkable proposition that the Senator from Louisiana should ask me a question and that then he and other Senators should proceed to discuss the question which was asked of me.

Mr. President, the Senator is entirely mistaken as to my attitude. I do not think any Senator here misconstrues my attitude, and I think that the Senators, upon reflection, will see that they are mistaken. I do not give my assent to this amendment as it will be amended. I am opposed to the amendment after the amendment which I propose has been adopted. My amendment, if adopted, is an amendment of limitation, not an amendment conferring power. There are three clauses, and each of them as they stand in the bill gives the President the unlimited power at any time in the future to increase the number of the Army about 50,000 men, in three branches of the service.

The amendment which I propose is one which limits it to the present time. It does not confer the power—I am not in favor of giving him the power—for the present time; but, as I know that the Senators on the other side of the Chamber have the power to pass the bill, I want to eradicate from it, as far as I can, the objectionable features, and the most objectionable feature in the bill, to my mind, is the feature which I am striking at, which would give the President, for all time, as long as the statute stood upon the books, the power to increase the Army.

This amendment limits it to this time; not that I am in favor of his having the power to do it, but I am doing the best that I can, and as I can not defeat the bill, I want to extract from it this

poison, which I think is a most serious matter and the most serious feature of the bill—that which would confer upon the President for all time this objectionable power. This amendment limits him to this time, not because I am in favor of his exercising the power at this time, but because, as I can not defeat it, I want at least to cut off the future exercise of it.

Mr. FORAKER. Mr. President, I wish briefly to answer the suggestions of the Senator from Georgia. We have before us a bill which provides for the reorganization of the Regular Army. It is a bill which provides that we shall have at its minimum force an Army of 54,000 or 58,000, whichever computation is correct. I have not made any computation, but it has been stated by those who have at both numbers. But whichever may be the correct computation, that is the provision as to our Army; that is its normal size; that is its regular size, so to speak. It is to be kept at that size except only when the President, in the exercise of his discretion, may see fit, according to the provisions of this measure, to increase it. That is not a large Army under existing circumstances. We have heretofore in time of peace kept our Regular Army at about 30,000, speaking in round numbers.

Mr. BACON. Twenty-five thousand.

Mr. FORAKER. I think it was nearer 30,000.

Mr. SPOONER. Thirty thousand by law.

Mr. FORAKER. The legal maximum was 30,000, at which it might have been kept all the time. Its actual force was perhaps only 25,000, as the Senator from Georgia suggests. But with changed conditions, with our insular acquisitions, with the trouble we have been having in them, with what we have been proposing to do with respect to an interoceanic canal, and the necessity for increased forces on that account, it is not an unreasonable increase of the Army to make it 58,000 men, to be maintained at that figure at all times in peace. So far, then, as the minimum is concerned, the measure is entirely conservative.

But the bill has other features to which the Senator from Georgia objects. Those are the features now under consideration. His objection is that it gives to the President of the United States power, in his discretion, to increase the Army, and he told us this morning, in a very eloquent discussion, that this is unprecedented in the history of legislation upon this subject; that it is violative of the Constitution and a departure from anything ever heretofore known in the history of legislation with respect to our Army.

I wish to say to the Senator that it is not only not a departure, but it is in strict accord with a number of precedents on this subject. If he will take the trouble to examine the Statutes at Large, he will find that repeatedly the Congress of the United States has intrusted to the President of the United States a discretion with respect to the increase of the Army. I call his attention to a provision found in the First Statutes at Large, enacted in 1799, page 725. That act commences in this way:

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That it shall be lawful for the President of the United States, in case war shall break out between the United States and a foreign European power, or in case imminent danger of invasion of their territory by any such power shall, in his opinion, be discovered to exist, to organize and cause to be raised, in addition to the other military force of the United States, 24 regiments of infantry—

And so on to the end as to each arm of the service, enumerating what the forces shall be by which the Army of the United States in a contingency shall be increased.

Then it is provided in section 5 of this act:

That it shall be lawful for the President of the United States, at his discretion, to discharge the whole or any part of the troops which may be raised by virtue of this act, whensoever he shall think fit.

Now, it is true that that legislation was had in contemplation of apprehended war with France, and there was a threat, a menace of danger. The Congress of the United States, instead of raising an army and providing for its organization, simply provided that the Army might be raised, consisting of an organization it prescribed, whenever the President of the United States in his opinion should see fit to take such action, and then it provided that the Army so raised by the President under the power delegated to him should continue until the President saw fit to reduce it, and he should be the judge of the extent to which it should be reduced. He might reduce it in whole or in part. That is the provision of that statute.

Now, I have before me also volume 3 of the Statutes at Large, and at page 224 is found the act of March 3, 1815. I read the first section of that act, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the military peace establishment of the United States shall consist of such proportions of artillery, infantry, and riflemen, not exceeding in the whole 10,000 men, as the President of the United States shall judge proper, and that the Corps of Engineers, as at present established, be retained.

In other words, the discretion is left to the President to determine in what proportion the various arms of the service shall be to the total aggregate of the Army as prescribed and authorized by Congress.

I have before me also, Mr. President, the ninth volume of the Statutes at Large, and at page 11 of this volume I find the act of May 13, 1846, and this is the provision:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and is hereby, authorized by voluntary enlistment to increase the number of privates in each or any of the companies of the existing regiments of dragoons, artillery, and infantry to any number not exceeding 100 whenever, in his opinion, the exigencies of the public service may require the same, and to reduce the same to 64 when the exigencies requiring the present increase shall cease: *Provided,* That said enlistments shall be for the term of five years, and no longer, unless sooner disbanded by the President.

In other words, by this last act to which I have called attention there was absolute and unqualified discretion given to the President as to the increase of the Army within the maximum limit which Congress had seen fit to provide by law.

Now, what is it that Congress proposes to give to the President here? In the first place, we propose to create an army that shall have a minimum force of 58,000—if those are the correct figures. Then we are to have such an increased force, within a maximum named, as the President, in the exercise of the discretion conferred upon him, may see fit to employ. Now, what is that discretion? In the first place, by renumbered section 26 of the bill under consideration, the President is authorized as follows:

That the President is authorized to maintain the enlisted force of the several organizations of the Army at their maximum strength as fixed by this act during the present exigencies of the service, or until such time as Congress may hereafter direct.

In other words, having reference to existing conditions and the fact that we already have a difficulty to contend with, the President is authorized to maintain the Army at the maximum force fixed by this bill, if it become a statute, until that emergency shall pass away. In another provision the maximum is fixed at 100,000.

Now, if the Senator's amendment should carry, as I pointed out to him a while ago, these provisions, to which I understand him to say he has no objection, namely, keeping the Army at 100,000 until the emergency passes, would be rendered ineffective—I understand the Senator to say that he has no objection to 100,000 men until the existing emergency ceases. They would be negated by the force of the amendment which he offers. And why? Let us turn back to the bill and see what is provided.

Mr. BACON. The Senator has evidently not kept up with the progress of the proceedings this morning.

Mr. FORAKER. I have observed that the Senator has been traveling about from place to place rather rapidly in this discussion, but I think I have kept pretty close track of him.

Mr. BACON. I think not, and I think when I have pointed it out, the facetious remark of the Senator will be found to be quite incorrect. The amendments to which he is now directing his attention with so much energy have been distinctly withdrawn by me and other amendments offered in their place.

Mr. FORAKER. What is the amendment that is now offered?

Mr. BACON. The amendments which I offered are amendments which I was told by the committee would be agreeable to them. They provide simply for the insertion in each of the clauses, after the word "President," beginning on the sixteenth page, of the words "during the present exigencies of the service."

Mr. FORAKER. Ah!

Mr. BACON. In other words, using the same language which is found in section 26.

Mr. FORAKER. I was not unmindful of the fact that such a suggestion had been made by the Senator, and that there had been on the part of some Senators an expressed intention or willingness to comply with it. I am opposed to that. I do not want any such words inserted in the bill, and I shall oppose the amendment whether it comes from the Senator from Georgia or the Senator from Vermont or the chairman of the Military Affairs Committee, for it does not seem to me that it can be properly put in this bill without doing violence to the most attractive feature of this measure to me. Now, what is it?

Mr. HAWLEY. Will the Senator kindly specify this matter to which he is objecting?

Mr. FORAKER. I am alluding to the matter referred to by the Senator from Georgia. The Senator from Georgia has offered certain amendments to the bill. They are amendments which do away with or affect the flexibility of the Army bill as to the different organizations. Now, when I am discussing that, before I have had time to urge the point that the Senator now precipitates, I am told by him that he has withdrawn those amendments, in view of the willingness of the chairman of the Military Affairs Committee to insert the word "exigencies" in these several provisions, and it is about that that I desire to speak. I was not unmindful of what had been suggested and what had been intimated would be accepted, but I have not yet reached that point.

Mr. HAWLEY. I will yield to nothing that will take away the flexibility of the Army.

Mr. FORAKER. I am glad of that.

Mr. HAWLEY. If the President should find, because of some

great disaster by sea or on land, that his forces—say the artillery or some especially necessary branch of the service—had been reduced 4,000, I shall insist that he shall have the power to fill it up again.

Mr. FORAKER. Certainly.

Mr. HAWLEY. And have the Army vibrate anywhere between the minimum and 100,000.

Mr. FORAKER. I was sure the Senator would have exactly that opinion about it.

Mr. HAWLEY. I do not want anything else.

Mr. FORAKER. For fear there might be some question with others on that point, I took the floor as I have in order that I might say something in regard to it. I was only approaching it. I was speaking of the amendments of the Senator from Georgia as he offered them. I intended to come presently to the amendment of his amendments.

Mr. President, I have spoken of the flexibility of the Army during these existing emergencies as provided by section 26. I want to speak now of the other provisions for flexibility found in this bill. What are they? The President is authorized, under each of these provisions with respect to the different arms of the service, to increase that particular arm in his discretion to a maximum that is named. What is meant by that?

Just as the Senator from Connecticut, the chairman of the Military Committee, has now suggested, it means that if some emergency arises which induces the President to think that he ought to have more cavalry, for instance, than he has, or an emergency which calls for more artillery than the minimum named, or an emergency that calls for an increase of the Engineer Corps, the President shall have the authority to increase that particular branch of the service within certain limitations. In other words, he may increase the one for which he has the necessity instead of being compelled to increase them all alike.

So we have, with respect to this matter of flexibility, first, in the order in which I have called attention to them, a provision providing for the general increase of the whole Army during the existing emergency. I do not think anybody will pretend, in the light of what has been said here on this floor during this debate, that we should have a less Army than the maximum provided for by this bill until the existing exigency shall have passed away. I think we are all agreed about that, and that is a general provision applied to the whole Army, each and every branch of the service. He can increase it up to the maximum. Then, when that emergency shall have passed away and that flexibility will have passed away with it, there will remain—and this is what I want to call the attention of Senators to—a power in the President to increase the cavalry arm, or the infantry arm, or the artillery arm, or the Engineer Corps, if there should arise, in his opinion, a necessity for it.

Mr. President, is that a dangerous power to intrust to the President of the United States? The Senator from Georgia argues that it is. He argues that it is not only dangerous, but unprecedented. I have already pointed out that similar legislation to this has been heretofore enacted. I ought to have called attention in that connection to the fact that the law now in force—the act of 1898—provides for this same flexibility and intrusts it to the President of the United States, and certainly no harm has come from it. But consider what it is we are conferring upon the President. Is it dangerous as compared with his other powers with respect to the Army?

The President is the Commander in Chief. He can send the troops out of the country or keep them in the country. He can concentrate the Army or distribute it. He can send them to one section or the other, as in his judgment the exigencies may require. That is not accounted a dangerous power, and yet it might be made a dangerous power in the hands of an unscrupulous and designing President. But it is one of those powers which of necessity must be intrusted to some one, and, of course, necessarily to the Commander in Chief, who is the President of the United States.

Now, we have trusted all our Presidents with that kind of power, and necessarily, for a hundred years, and without injury or bad result in any respect. We can, in my judgment, safely continue to intrust that power to the President, and can continue to intrust it for all time to come, so long as our present institutions of Government continue, at least; and if such a power as that—other illustrations equally potent might be given—can be safely intrusted to him, surely we can safely intrust to him also the power to say whether or not in a contingency not now foreseen, but of which he shall be the judge, the cavalry shall be increased slightly, not the number of regiments, but simply the number of men in each regiment that shall belong to those regiments; whether they shall be increased from the minimum to the maximum or to any less degree that he may see fit to increase them.

Is it not safe, in other words, to intrust to our Commander in Chief, who has the entire disposition of our Army in sending it here, there, or elsewhere as he may see fit, the power also to increase it if in his judgment there is an emergency?

A mistake may be made as to the increase by some President we may have. I do not believe any serious mistake would have been made by any President we have ever yet had. I do not believe any serious mistake of that kind ever has been made. I do not believe the present President would make any serious mistake. I do not believe any President the people of the country are likely to choose will ever make any serious mistake in the matter of increasing any particular arm of the service under such provisions as we have in this bill.

This provision for flexibility is to me, as I said before in this debate, one of the best features of this bill. It is one of the best features because it enables us to keep the Army, when we have no real need of the Army, on a minimum basis, at the minimum figure, the least expensive and least burdensome figure at which it can be maintained. And it enables us the very moment danger is threatened to have it increased, increased throughout, by ordering each and every arm to be increased, or increased as to the artillery if we are threatened where that would be effective in resistance, or increased in any other arm of the service—in one arm or all the arms of the service.

Therefore it is that I hope the Senators in charge of this bill will not yield to the suggestion of the Senator from Georgia. I think we should enact it exactly as it is framed in that respect, and give to the President, because it is safe to do so, the power to increase the Army, as may be necessary, to the limit stated.

Mr. BACON. I call the attention of the Senator from Ohio to the fact that the Senator from Vermont [Mr. PROCTOR] and the Senator from Michigan [Mr. BURROWS], both of whom are members of the Committee on Military Affairs, expressed the opinion that the proposed statute as it now stands would not give the power to the President which the Senator from Ohio says is the chief excellence of the bill. It was only because of the fact that there is a difference between the Senators of the dominant party on that question that I ventured to draw this amendment in order to put at rest what they now differ upon themselves in construing the bill.

Mr. FORAKER. I think if the Senator from Vermont and the Senator from Michigan made that statement—I did hear it made—

Mr. BACON. They certainly did make it.

Mr. FORAKER. If they made the statement, and the Senator from Georgia says they did, they must have made it without having first looked at the bill, or they must have made it when they had the other provision upon which I first commented in mind. There are two provisions. One authorizes the flexibility on account of the present exigencies. The minimum is to be gone back to the moment this exigency passes. The other provisions of flexibility have reference to the various arms, the cavalry, infantry, etc., and there is nothing said there about exigencies, but simply about the opinion of the President. He shall have power to increase the Army from the minimum to the maximum as to each branch of the service in his discretion. This is the language of the bill:

Provided, That the President, in his discretion, may increase the number of corporals in any troop of cavalry to 8, and the number of privates to 76, but the total number of enlisted men authorized for the whole Army shall not at any time be exceeded.

There is a similar provision as to the infantry, the artillery, and the Engineer Corps.

It seems to me that that does authorize the President of the United States, without regard to any exigency which now exists or any exigency which is in this bill described, to increase that particular branch of the Army whenever he, in his opinion, may think it ought to be increased. This provision is clear. I do not see how there can be any room for doubt, although it is doubtless to be assumed that the President will order an increase only when there is an occasion for it.

Mr. PLATT of Connecticut. May I call the attention of the Senator from Ohio to another feature which is not alluded to in his very excellent presentation of this subject? If it were possible to suppose that the President at any time should authorize enlistments above the minimum to an extent which Congress thought was improper, at the very next session of Congress the whole matter is in the hands of Congress not to appropriate for them. It seems to me that this distrust is as much a distrust of Congress as it is a distrust of the President.

Mr. FORAKER. I am very much obliged to the Senator from Connecticut for calling my attention to that point. I had intended to advert to it, but I spoke without any thought before I took the floor of what I would say, except in the most general manner, and that escaped me.

It is true, as the Senator from Connecticut says, that the distrust which is expressed here with respect to some President we may have in the future, or the present President, if you want to apply it to him, is at the same time a distrust, impliedly at least, as to the Congress of the United States, for what we are giving to the President a discretion about is a discretion to be exercised under this bill

which Congress can correct, and would correct, as every Senator knows, the moment there would be any violation of the spirit or the language of the provision.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Georgia [Mr. BACON].

Mr. FORAKER. Let it be read as it now stands.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. On page 12, section 2, line 17, after the word "President," insert the words:

during the present exigencies of the service.

Mr. FORAKER. I wish to say to the Senator that I understood him only to say "in certain exigencies," but it appears that he here has adopted precisely the same language that is found in section 26.

Mr. BACON. Certainly, and the reason why I used that language is because it is the language used by the bill in another place conferring similar power.

Mr. President, I do not think that the contention of the learned Senator can possibly be maintained, that the present scheme of the bill is in harmony either with the institutions of our Government or with the practice of the Government. The Senator has read, in support of his contention, various statutes which have been enacted by Congress. The first one is the act of 1799, which, as he very correctly admitted, was an act passed in view of the urgent apprehension of war with France.

Mr. President, the conditions at that time must be taken into consideration in judging as to what was the view of Congress in the enactment of such a law. There were then no railroads and no telegraphs, and it took weeks even to communicate with the different parts of the country, as limited as it then was. It would necessarily take a long time for Congress to be assembled. Another thing is to be considered, and that is that the first intimation we had of war might be when the enemy appeared on our coast, because we had no submarine telegraph then to inform us of what occurred in Europe. Therefore it was recognized that there was a necessity that the President should be in a position to act promptly to meet an emergency when it would be impossible for him promptly to summon Congress to itself direct him what to do.

There is nothing, Mr. President, in the act of 1799 which in the remotest degree contemplates the conferring upon the President of the United States of a continuing power to increase and decrease the Army of the United States, according as he might judge there should be such increase or such decrease. There is not a line or a letter of it that can be construed in support of such a proposition. It simply authorizes him to proceed in case of an invasion, and, while the general terms were used, it simply meant if France should make war with America you are authorized to go ahead in the most energetic way within the limits expressed here to raise an army to meet it.

It was an absolute necessity that such should be the case for the safety of the country. One of the sections provides that if this emergency should arise and Congress should not be in session the President should proceed to commission the officers of it without waiting for the advice and consent of the Senate, showing the intention which was in the mind of Congress at the time.

In the same way, Mr. President, was the act of 1815. I ought to remark, before passing from that, that not only was the act of 1799 not intended as a continuing power. There was not a word in it which indicated that it was the purpose to make a permanent system under which the President of the United States would be authorized to increase or to decrease the Army at his will, but so soon as the emergency passed even that law was repealed.

Mr. President, it is not in contemplation here that the repeal of this law shall take place after the passing of any emergency. There is not a Senator on the floor who favors the bill who would say that he understands the purpose of the bill to be limited to the present exigency. On the contrary, they propose to provide an elasticity by which the President, not Congress, may in the future adapt the size of the Army to what he may consider to be the needs of the country. This is not designed as a temporary law; it is designed as a permanent law. The act of 1799 was designed as a temporary law to meet an emergency, and as soon as the emergency passed it was promptly repealed.

Now, Mr. President, as to the act of 1815, that gave no power to the President to increase or decrease an army. It simply gave the power to the President to raise an army of 10,000 men, that, and that only. There is no suggestion of any power to the President of the United States, as there was not in the other, that he should in his discretion increase or decrease the Army within a large range.

Mr. FORAKER. Will the Senator allow me a moment?

Mr. BACON. Certainly.

Mr. FORAKER. Are the constitutional requirements different in time of war from what they are in time of peace? The Senator is admitting now, and that is what I call attention to, that certain acts have been passed by Congress to the constitutionality of which he makes no exception, and nobody else ever took exception to

them in any other respect. But he says they applied only in time of war. The burden of his speech this morning, so far as I took exception to it, which was practical and immediate, was that this measure is unauthorized by the Constitution and contemplates—

Mr. BACON. The Senator from Ohio entirely misunderstands the presentation as I endeavored to make it. My contention is that in the statutes which he has read, there was a distinct power given to the President to raise a particular army for a particular purpose, and that there is in no one of these statutes the feature which I say is unconstitutional, which is the continuing feature, at his will and in his discretion, to raise or decrease the size of the Army.

Mr. FORAKER. I merely wanted to understand the Senator. I was apprehensive that I did not, and I see I did not. The Senator must admit that the statute cited—I think it is in the statute of 1846—does provide as explicitly as this bill for flexibility; that the President may increase the number, for instance, of privates in a cavalry company to a named number, and then he may decrease to a minimum number. Now, there was no war at that time.

Mr. BACON. There was one imminent.

Mr. FORAKER. There was one imminent, I know.

Mr. BACON. And it immediately followed.

Mr. FORAKER. But nobody knew certainly that it would come; and even if it did come, the President was to have that power in war. I want to know if this power of flexibility is confined to war; and if so, what there is in the Constitution that places such a limitation upon it?

Mr. BACON. Mr. President, when the Congress of the United States passes a law with reference to a particular occasion and sets the limits, it is controlling so far as it is possible within the statute to control it; but when it absolutely abdicates its powers and puts a permanent statute upon the books to the effect that the President of the United States shall have the power in peace and in war and for all time, because there is no limitation—

Mr. SPOONER. If the Senator will permit me, does he observe the force of the language, "or until Congress shall otherwise direct?" Does the Senator make the proposition that Congress is shackling itself a particle by this bill, if it shall become a law, as to any power which by the Constitution is conferred upon Congress for the raising of an army?

Mr. BACON. I say undoubtedly Congress is abdicating its power.

Mr. SPOONER. In what respect?

Mr. BACON. If the Senator will permit me, I will endeavor to come to that point a little later. If I do not, I hope the Senator will remind me before I take my seat, because I want to say something on that subject.

Mr. SPOONER. I certainly will.

Mr. BACON. I say, Mr. President, replying first to the Senator from Ohio, that there is a vast difference between a case where Congress passes a law in view of an imminent war which says that the President of the United States may raise a certain number of troops, and if the emergency passes he must discharge them, and a case where it is proposed to put upon the statute books a permanent law.

Mr. FORAKER. Is that a constitutional provision?

Mr. BACON. If the Senator will pardon me, I got this far before and the Senator from Wisconsin stopped me. I want to complete it, please.

Mr. FORAKER. I beg the Senator's pardon.

Mr. BACON. I say there is a vast difference between that and a permanent law by which the Congress of the United States says that hereafter whenever, in the judgment of the President of the United States, it is important or deemed wise by him to add 50,000 men to the Army he can do it, either in peace or in war, and without reference to any emergency which is now in the contemplation of Congress. I say there is a difference, and a wide difference.

Now, Mr. President, in reply to the Senator from Wisconsin [Mr. SPOONER] as to whether or not it is abdication by Congress of its power to pass such a law as this, the Senator asks whether the reservation in this law "until Congress shall otherwise provide"—that I understand to be the meaning of his question—is not such a reservation as would exclude the idea that it was intended as a permanent grant of power. Am I correct?

Mr. SPOONER. I think the Senator is partly correct, and partly the Senator misunderstands me.

Mr. BACON. Very well; that is the reason why I asked the question. I want to be sure.

Mr. SPOONER. I asked the Senator how he could call that a permanent law which provided that it shall continue in force only until Congress shall otherwise direct. In other words, is there any law which we pass which continues in force any longer than Congress otherwise directs? If it be a law it continues within the power of Congress. I do not know of any law which can be passed by Congress in regard to the Army that is not always subject to the control of Congress. Does the Senator know of any such law?

Mr. BACON. Mr. President, the Senator evidently intended exactly what I said before, that the expression—

Mr. SPOONER. It requires no reservation by Congress in order to enable Congress to act upon this subject whenever it chooses.

Mr. BACON. Undoubtedly.

Mr. SPOONER. The only point of the provision is, as I understand it, that it gives the President some elasticity or power as to his judgment of exigencies, which I think it ought to do, until Congress shall act; that is all.

Mr. BACON. No; until Congress shall otherwise direct. Is not that the language?

Mr. SPOONER. It is the same thing as "until Congress shall otherwise direct," because his power would not be interrupted at all if Congress reenacted the same provision. That is what I understand that to mean.

Mr. BACON. Very well. Now, I am coming to the point that the Senator's inquiry makes necessary. I trust I may have the attention of the Senator from Wisconsin. I say those words are words that are entirely surplusage; that every act of Congress might be expressed, "This is the law until Congress provides otherwise," and it is that way without the words or with the words, and the words may as well not be there. They do not mean anything, because every statute means that without the words. Every statute is the law until Congress provides otherwise, and it is not necessary to express in the statute that it shall be the law until Congress provides otherwise.

Mr. SPOONER. The Senator misunderstands me in part. I did not mean to say, nor do I think I did say, that those words were efficacious at all so far as they related to the power of Congress; but I think with the disjunctive they are effective so far as the power of the President is concerned, as I think they ought to be. I do not know what construction would be put upon the words "present exigency." Possibly some one might contend, and I presume many Senators would contend, that it is limited to a surrender in the Philippines. That might not be at all adequate to the interest of the country or the protection of the Army.

If there were peace in the Philippines to-day it might be that pending the establishment of a government of the people there it would not be safe to withdraw the forces, perhaps, down to 10,000 men. We have had a notification read within a week, signed by 2,000 men in the Philippines, that if peace shall come there it will be a temporary peace, and that under cover of it preparations will be made for another insurrection.

Although strictly construing the words "the present exigency," that is, the exigency dated from to-day, there might still be, in the opinion of the President, necessity for maintaining a force there for police purposes and for the protection of the people and all that.

I construe the phrase "or until Congress shall otherwise direct" to authorize the President, if in his judgment the public interest requires it, to maintain that force in the Philippines until Congress shall otherwise direct. That is the only effect I can see to that phrase in section 26. Of course, it has no effect whatever upon the power of Congress. I never intimated that it did.

Mr. BACON. Now, Mr. President, to return to the question as to whether this is an abdication of the powers of Congress—because I think that is the vital question here—whenever a statute is put upon the books it means that it is the law until Congress otherwise directs, whether it is so expressed or not. Whenever a statute is put upon the books it is put there with the idea that it shall always be the law unless Congress shall change its mind.

In other words, so long as conditions remain as they are at the time of the enactment of the law, the presumption is that it is a wise law. That is a very violent presumption sometimes I think, especially in the present instance, but it is the presumption in the case of every enactment that it is the proper thing to be done, and Congress does it because Congress believes it to be the proper thing to be done. Therefore, in the enactment of the law Congress contemplates a law which will be permanent.

Now, Mr. President, that is the contemplation of this proposed law. The contemplation of this proposed law is that it shall be a permanent law, and there is not a Senator on the other side of the Chamber who will rise in his place and say that he contemplates this as a temporary law.

Mr. HAWLEY. I say so. The Senator knows this enactment can not last; that the lifting of the finger of Congress will sponge it out.

Mr. BACON. Oh, undoubtedly.

Mr. HAWLEY. The Senator knows that perfectly well. There is no permanent law. There is not even a permanent Constitution, for the Constitution contains the elements of its own destruction.

Mr. BACON. Unfortunately, under the influence of certain political powers, there is a very great danger that there is to be no permanent Constitution. It is the great trouble and the great evil and the great menace and the great danger to the people of

this country that certain parties have made up their minds that it shall not be permanent.

Mr. HAWLEY. Name them.

Mr. BACON. Well, the Senator hardly means that.

Mr. HAWLEY. Name one.

The PRESIDING OFFICER. Senators must address the Chair—

Mr. BACON. I decline, if that will satisfy the Senator.

The PRESIDING OFFICER. And must not interrupt the Senator who has the floor without his consent.

Mr. BACON. The danger is not that they will meet on the steps of the Capitol and declare that the Constitution is abrogated, because the people would not sustain them and it would not be permitted, but the danger is that little by little the foundations are to be removed until after a while it will topple and fall.

It has gotten so now, Mr. President, that when one in this Chamber endeavors to maintain a proposition by measuring it to the requirements of the Constitution, what he says is disregarded and often laughed at by some people in private if not in public.

But I come back to the proposition, because I have been led away from it several times, as to whether this is an abdication of the powers of Congress. I repeat what I said this morning, that while it is bad enough for history to repeat itself by the aggressions by which, without the consent of the legislative body, its powers are taken away from it, it is a thousand times worse when that body itself abdicates those powers.

Now, is this an abdication? This is intended as a permanent law—Senators have avowed it here—so that it may adjust itself to the needs of the future. It is intended that permanent power shall be in the hands of the President to increase or to decrease the Army of the United States. If that is a power which, under the Constitution, properly belongs to the legislative body, and we delegate it to the President and say we will not hereafter pass laws which shall say when the Army shall be increased or decreased, but the President of the United States shall be clothed with the power, then, I repeat, we have abdicated our proper powers, and our powers in one of the most important features incident to and belonging to a free government.

Mr. President, I know it is perfectly common now for Senators and others to put aside the suggestion that there may be any danger to our institutions in anything, that there may be any danger in the surrender of any of the restrictions which our fathers thought it necessary to throw around those who were invested with power, but it is with governments and institutions as it is with people. No man thinks he is going to die. Each man thinks that the time for his death is going to be postponed in his case to the utmost limit. And yet we hear of men dying around us every day. The history of the world is in the decay of institutions and in the death of governments. I repeat, it is not done in a day, but everything which weakens the foundations of the structure hastens the time when it will come.

For one, Mr. President, I appreciate the dignity and the powers of the legislative department of this Government. It was the design of the framers of the Constitution that these great powers of government should be exercised by the legislative body, and in the enumeration of powers almost every power of government is conferred upon the Congress of the United States, meaning thereby the lawmaking power. For one, I do not intend by any act of mine to surrender any jot or tittle of that power, whether the Executive who is to receive the benefit of it be a man who belongs to my party or one who is opposed to it.

I will say, Mr. President, that one of the first speeches I ever made in this body was in the assertion of the powers of the legislative department as against the encroachments of the Executive at a time when the Executive chair was filled by a man who had been elected by Democrats. I care not, Mr. President, if the Executive chair were filled by the man who stood nearest to me personally as well as politically, I would never, under any possible influences or for any possible purpose, surrender the least particle of power which I think properly belongs to the legislative department of the Government.

Now, Mr. President, if Senators will pardon me for going a little further into this matter than I had intended, it was suggested in the debate last week, and has been repeated here to-day, that Congress still retains in its hands the power to control this question, owing to the fact that it retains the power to appropriate money or to reduce the appropriation of money. That, of course, is an answer to a certain extent, but it is not a complete answer where there is no limit put upon the discretion of the President.

There is nothing done by which the Congress can say to him, "You abuse that discretion." If the President of the United States, supposing the Army had been decreased to the minimum, should, upon the adjournment of Congress on the 4th of March, increase the Army 50,000 men and keep it at that maximum figure for nine months, until the next Congress should convene, and should send in his message here saying that he had done it, is there any Senator here, I care not whether he belongs to the party

of the Executive or is opposed to the party of the Executive, who would refuse to appropriate money for the purpose of paying the expenses of the Army for the nine months when increased 50,000 men?

It is true, Mr. President, that ordinarily the expenses of the Army are estimated for and are provided for in a bill which we pass here in advance. The Senators will easily remark that in the case contemplated by this bill it is an impossibility for Congress to estimate what will be the military expenses. It is an impossibility for Congress in an appropriation bill, under the terms of this bill, with any accuracy to determine what amount of money should be appropriated for the succeeding fiscal year. It is in the contemplation of law that in these nine months there is going to be or may be unexpected increases. Here is an unexpected increase.

Right here this brings up an objection to this bill which had not occurred to me before, but which is a most serious one; and that is, that under the terms of this bill and under the practical operation of it, as I have just suggested, not only would the President of the United States have the power to determine upon an increase of the Army to the extent of 50,000 men, without any suggestion or warrant of authority from Congress, but it puts it in the power of the Executive to practically appropriate that much money, increasing the expenditures of the Government without any act of Congress, because we put in his hands a power, in the exercise of which in his own discretion he would incur an expenditure that no legislator, I care not what may be his attitude toward the Executive, could possibly deny the appropriation of money to defray.

So, Mr. President, it is not simply a question of increasing the Army; it is not simply a question of the legislative branch of this Government abdicating its power to determine what shall be the size of the Army; it is not simply a question of putting it into the power of the President of the United States to increase the Army 50,000 men whenever he sees proper to do so, but it is a question of putting it into the power of the Executive to increase the expenditures from thirty to fifty million dollars in the course of one year, and compelling Congress to appropriate without any suggestion from Congress in the way of the initiation of that expenditure.

Mr. CAFFERY. Will the Senator allow me?

Mr. BACON. Certainly.

Mr. CAFFERY. I wish to ask the Senator whether the incorporation in the bill of the provision to which I have referred would be sufficient to render it constitutional from his standpoint? Would it meet his view to provide that the increase of the Army in this bill authorized—it may be an Army of 98,000 or 100,000 men—to the maximum provided shall be and is for the purpose of carrying on the war in the Philippine Islands to a successful conclusion? I ask the Senator whether he thinks the mention of the purpose of the increase of the Army would relieve the bill of its unconstitutional features?

Mr. BACON. I do not think the question of constitutionality, which I am now discussing, if the Senator from Louisiana will pardon me, is the question of the exercise by the Executive power of the right to increase or decrease the Army and to determine what shall be the size of the Army. I do not desire to evade the Senator's question in any way, and I will answer briefly what he says, although I desire to continue somewhat further on the line I was pursuing.

The Senator asks as to the constitutionality, as I understand it, of the Army being used in the Philippine Islands. Am I correct in that?

Mr. CAFFERY. I asked the Senator whether, if the purpose of allowing the President to increase the Army to the maximum was clearly set out in the bill—the present purpose I take it would be, and it is not denied, for the subjugation of the Philippine insurgents—I asked the Senator whether, if the purpose for which the Army is to be increased be put in the bill, it would be relieved of its unconstitutional features.

Mr. BACON. Mr. President, the objectionable feature of the bill is the fact that it does not limit the power to any occasion; but if the Senator from Ohio [Mr. FORAKER] is correct, it for all time in the future, so long as this law shall remain upon the statute books, puts it in the power of the President to increase the Army. That is what I say is the unconstitutional feature of it; that is what I say is the abdication of power by the Congress of the United States.

Possibly the interruption of the Senator from Louisiana [Mr. CAFFERY] was fortunate, as I might have pursued this line of thought longer than was consistent with my duty to the Senate that I should not unduly occupy its time, and therefore I break off on that question; but I want to say this—

Mr. CAFFERY. I am sorry I have diverted the Senator.

Mr. BACON. Oh, no, that is all right; and I was congratulating myself on that fact.

What I want to say, however, is this: In endeavoring to strike

at the root of the matter I offered three amendments which took away the power of the President to increase each of these three branches of the service. Under the suggestion of the Senator from Vermont [Mr. PROCTOR] I withdrew those amendments, because I understood that it would be agreeable to those who are in charge of the bill that the same language should be used as to these three several branches as is used in section 26, limiting the exercise of the power to the exigencies of the service. If the Senate is content with that, while, of course, I do not favor the section, even with that amendment, it is a limitation which would remove from it the most serious objection to it, and I will not press the other amendments.

Mr. FORAKER. The Senator is aware that it is unnecessary, so far as these three provisions are concerned, that he should repeat that language, because the end is already accomplished by the provision of section 26, that the President is expressly authorized to maintain the Army at its maximum as hereinbefore provided "during the present exigencies of the service." Now, if you amend the section as proposed by the Senator from Georgia, you take away the maximum provision, and there will be no maximum, unless it be a maximum of 54,000.

Mr. BACON. Not by the insertion of the word "maximum."

Mr. FORAKER. No; if you will change it so as to insert that word, it would not; but as the Senator offered to amend the provision, it would take that away. If the Senator proposes to leave the maximum, it is unnecessary to amend this provision, because it is already covered by the provision of section 26. The reason I favor this is because I want this power to remain after the exigency has passed.

Mr. BACON. Does the Senator understand when the exigency has passed that the President will not again have the right to increase the Army?

Mr. FORAKER. Certainly. I understand the bill in this way: Under section 26 the President will be authorized to maintain the Army at the maximum, according to the organization provided for, until these exigencies shall have passed. Then when the exigencies have passed the President will reduce the Army, if there be no other exigencies, to the minimum. The power is left to him under the provisions of the bill to increase to the maximum again any branch of the service if, in his opinion, it be proper to do so.

Mr. BACON. It is for the exact purpose of correcting that latter provision that I offered the amendments.

Mr. FORAKER. It is such a wise provision that I favor it.

Mr. PROCTOR. If the Senator will allow me, I myself have no objection to these amendments, and, on a hasty word with the chairman of the committee, he did not see any objection to them. My opinion is that that is a fair construction of the bill; and I was for the moment led to assent to the amendments, hoping that that might end this discussion. However, it seems the more the Senator talks the more dangerous things he sees here. I can see plainly that any assent would not have the effect I hoped it might have. The Senator now sees the bugbear that it would give the President the power of appropriating money; and what will come next I can not say.

Mr. BACON. Only a word in that connection.

Mr. PROCTOR. I myself think I shall have to retract any seeming assent, and say that the only safe ground is to oppose this amendment and the various other amendments which the Senator has foreshadowed.

Mr. BACON. Before the Senator takes his seat, I should like to ask him a question. The Senator speaks of my suggestion that the provision would give to the President practically the power to appropriate money. I wish to ask the Senator if, during the recess of Congress, without any other authority than that which is expressed in this bill, and without there ever having been any appropriation of money to meet the expenses, the President should increase the size of the Army 50,000 men, when the Congress re-assembled could the Senator imagine any possible circumstances under which he would refuse to vote for the appropriation of the money made necessary by that act of the President?

Mr. PROCTOR. When there is any amendment or any provision that touches that question I shall be ready to discuss it.

Mr. BACON. I have no doubt of that.

Mr. PROCTOR. But there is not any such question now pending, and I think there is no occasion to answer the Senator's suggestion.

Mr. ALLEN. If the Senator will permit me to interrupt him a moment, I wish an explanation of the phrase "during the present exigencies." What does the Senator from Vermont understand by the phrase "present exigencies?"

Mr. PROCTOR. I understand it refers principally to the situation in the Philippines and the necessity for our maintaining a large army there. I think the fair construction is not that when peace is sustained for a day or a week or a month the President is obliged to withdraw or reduce the Army under this bill, but when he is satisfied that there is a permanent cessation of trouble.

Mr. ALLEN. I wish to ask the Senator another question. I understand that legally a state of peace has existed between the United States and China for a great many years, but de facto we are in a state of war. Now, does the condition in China come under this expression "during the present exigencies of the service?"

Mr. PROCTOR. Well, Mr. President, that is a question which I think it is hardly necessary to discuss; besides it appears that the exigencies of the Government in China are about terminated; but perhaps just now the exigency exists in a small measure.

Mr. ALLEN. Perhaps the Senator will answer another question. Who is to determine when the exigency shall have passed away?

Mr. PROCTOR. The President of the United States, as I understand.

Mr. ALLEN. The Government of the United States is divided into three departments—legislative, executive, and judicial. That constitutes the United States Government. What particular branch of the Government is to determine when the exigencies are removed?

Mr. PROCTOR. I did not catch the Senator's question.

Mr. ALLEN. I ask what particular branch or branches of the Government of the United States are to determine when the exigencies referred to by the Senator from Georgia shall have been removed?

Mr. PROCTOR. The President of the United States "until," as the provision in the bill is worded, "such time as Congress may hereafter direct."

Mr. ALLEN. Are the people, the courts, the Congress, or the President to decide?

Mr. PROCTOR. I thought I answered the Senator's question that the President of the United States is to decide.

Mr. ALLEN. I did not hear that. I beg the Senator's pardon.

Mr. PROCTOR. The President of the United States is to decide, unless Congress directs otherwise. It is all the time under the direction of Congress.

Mr. ALLEN. Do I understand it to be true that the Army will continue at its maximum strength, at about 108,000, indefinitely, until some President of the United States proclaims officially that the exigencies have been removed? That is correct, is it not?

Mr. PROCTOR. The Senator will notice that the bill expressly limits the possible number of the Army to 100,000.

Mr. ALLEN. That may be so, but my understanding is that the bill permits the Army to be increased to about 108,000.

Mr. PROCTOR. That is impossible under the bill.

Mr. ALLEN. Very well, make it a hundred thousand. Then I put this question: Under the bill making the Army 100,000—

Mr. PROCTOR. The Senator from Colorado [Mr. TELLER] made that suggestion, but he now says that he was mistaken, and that the maximum number is 100,000.

Mr. TELLER. I had figured on the first clause, but I think the last clause is undoubtedly the controlling clause.

Mr. ALLEN. That is a mere bagatelle. The real question is, that it is really within the discretion of the President to determine when the exigencies are removed. Then, suppose that this thing continues for, say, five, ten, fifteen, or twenty-five years, and there is no proclamation or no official action on the part of the President of the United States saying that the exigencies have been removed, will the increased Army continue that long?

Mr. PROCTOR. Unless Congress shall otherwise direct.

Mr. ALLEN. Unless Congress shall repeal this law?

Mr. PROCTOR. Or fail to appropriate for the Army.

Mr. ALLEN. Or fail to appropriate for the Army. Of course Congress can not appropriate to sustain the Army for more than two years at any one time. Then Congress will be forced, if it disagrees with the Executive, to fail to appropriate the necessary money to maintain this Army and by that means drive it out of existence. Is that correct?

Mr. ALLISON. I should like to suggest to the Senator from Nebraska an answer to that question. This Army of ours under existing law, and under the law as it will stand if this bill shall pass, consists of soldiers enlisted for a term of three years. Therefore, this Army will be constantly changing in its personnel.

The whole question must, in the nature of things, be within the discretion and the power of Congress. We have over and over again, in our statutes making appropriations for the Army, provided that the appropriation for the enlistment of recruits and their transportation should not be used for an Army beyond a certain number, and, though this bill provides for a maximum of 100,000, Congress can in any appropriation bill, at any time, as we have done year after year, say that the appropriation for recruiting and the transportation of recruits shall not be used for an Army exceeding 80,000 men or 75,000 men. To my mind no minimum should be fixed. Such a provision would lead to confusion. That minimum was probably put in because we wanted to increase the number of regiments and wanted to have a skeleton army of

a larger number than 54,000 men, which, when an appropriation was made, could be used as a basis for 100,000.

So, Mr. President, when we adjourn on the 4th of March and come here in December the whole control as to the maximum number of men who shall be used in the Army will be within the competence of the Congress to say whether it shall continue at 100,000 or 85,000 or at any other number. Therefore the statement that we are fixing an Army here of 100,000 men which will not be within the control and supervision of Congress is, to my mind, an immaterial suggestion. Of course, this Army will consist of 100,000 men if next year we shall appropriate for 100,000 men, and also appropriate money to enable the President of the United States to recruit one-third of this Army during that year. It can not be done otherwise, because when the terms of enlistment expire the Army is pro tanto reduced, and it can not be increased without an appropriation providing for recruits from year to year.

I am not troubled at all about these provisions of the bill, which are simply provisions which place in the power of the President a flexibility which, in the nature of things, he must use within the appropriations of money given from year to year by the Congress; and if he had a purpose to use it improperly, contrary to law and the judgment of Congress, the very next session of Congress would check that judgment and limit the appropriation. So there is no abdication of the power of Congress here, and there is no limitation upon the power of Congress, except that limitation which we have fixed in our statutes hitherto, but never before, so far as I know, bringing the Army down to a minimum. This bill, however, for the purpose of providing for this flexibility, fixes a minimum number and a maximum number; but that is of no moment. We can make the minimum less than 50,000 hereafter if we so decide in Congress. It is a perfectly legitimate thing upon the Army appropriation bill to limit the appropriation for recruits for the Army.

Mr. President, this bill, if it is passed as it now stands, gives no greater additional power to the President of the United States than he now has, or any power which he is likely to exercise unduly, or that any President, whether this year or four years or ten years from now, will be likely to so exercise.

Now, I should like to ask the Senator from Nebraska whether he does not think it will be within the competence of Congress next session, or two years from now, if we think that 100,000 men are not necessary, to say that the Army shall not be recruited beyond 85,000 or 75,000, as the exigencies of that period may require? So there is no danger, and there can be no danger, in the provisions of this bill, as I understand them, respecting the size of the Army from year to year.

Mr. ALLEN. I should dislike very much to put the Senator and his party in Congress at cross purposes with the Chief Executive. I want to see the utmost harmony prevail in Republican circles between Congress and the Executive.

Mr. ALLISON. I am very glad to know that.

Mr. ALLEN. Wait a moment. I can well understand how Senators of the long service and distinguished ability of my friend from Iowa can rest content under a bill expressed in this language; but for one of limited experience, perhaps I might say, parenthetically, somewhat of a stranger, I can see difficulties ahead.

Here is a provision that I doubt is to be found in any bill or in any act of Congress in the whole history of this Government. It is abnormal; it is unusual; it is the work of a mere moment, without reflection; and that is, that the President of the United States, without any restraint whatever from any source, can increase the Regular Army from a minimum of 50,000, or practically so, to 100,000, and retain it at that figure so long as certain exigencies, which are not mentioned, shall exist. What are those exigencies? The Senator from Iowa [Mr. ALLISON] may say that the condition of the Philippine Islands is one of the exigencies; the Senator from Georgia [Mr. BACON] may say the condition in China is an exigency; my distinguished friend the senior Senator from Tennessee [Mr. BATE] may say some other condition is an exigency. Who is to determine these things? Who is to determine what the exigency is? Why not mention it? Why not say it is the condition existing in the Philippine Islands or in China that constitutes these exigencies?

Now, who is to determine when these exigencies are removed? We are told the President of the United States, of course, being the Chief Executive of the nation and the Commander in Chief of the Army and Navy, both in time of war and in time of peace. In him, and in him alone, is vested this singular power of determining when these exigencies are removed, and in him, and in him alone, rests the power of determining what these exigencies are.

Then the Senator says that these things can be met in one of two ways. That is quite true. In the first place, the Constitution limits the power of appropriation to two years, which you could never, if you follow the Constitution—I do not know whether you follow it or not, but I sometimes doubt whether it has been

followed in many of its provisions—but if the Constitution is to be followed, you can limit the appropriation to two years. You can not exceed that, and by this means you can starve out this army. Does the Senator from Iowa contemplate a time when, in his opinion, the relations between the Chief Executive of this nation and Congress will be so strained that Congress will starve out an Army that the Executive of this nation thinks is necessary to meet an exigency?

Mr. ALLISON. The Senator wholly misunderstands me. We never have appropriated for an army for a period exceeding one year, and then we have appropriated for just such an army as Congress thought was necessary to provide for an exigency. Of course the President under this act can exercise this flexible power, but he can exercise it only when he has the support from year to year of the Congress of the United States as to the number of men that we think are necessary for the conduct of the Army from year to year and from time to time. Therefore that power, although lodged in the President by this bill, is always subordinated to the action of Congress when it shall come to provide for the appropriations necessary to maintain the Army. There is not the slightest difficulty about it.

Mr. ALLEN. I am not saying what Congress has done. It has done many things which it ought not to have done, and perhaps left undone many things which it ought to have done. I am talking about what it can do. It can make an appropriation not exceeding two years for the maintenance of the Army. That is the constitutional provision. Suppose we see fit to do so. Having done that, and the President of the United States says these exigencies still continue, does the Senator from Iowa say that Congress will not make an appropriation upon a suggestion of that kind for another two years, and go on unconstitutionally for an indefinite period of time?

Mr. ALLISON. Mr. President, suppose that Congress believes that next year, or two years from this time, an army of 75,000 men is enough—

Mr. ALLEN. And the President says it is not enough.

Mr. ALLISON. Very well. If Congress disagrees with him, it makes an appropriation for a less number, and, if it agrees with him, it will appropriate for the number of men that he thinks is necessary, and not otherwise.

We have not appropriated here from year to year in any appropriation bill, so far as I know, in exact accordance with the recommendations of the heads of Departments or the President. We exercise the power here in this body after it is exercised by the House of Representatives, they holding in their hands first the purse strings of this nation, and no appropriation can be made, according to the decisions and long usage of Congress, until it is first provided for in the House of Representatives. The two Houses must act upon the Army appropriation bill as they act upon the river and harbor bill and upon other appropriations that come to us from year to year, and they fix the amount of the appropriation, which necessarily limits the expenditure.

Mr. HAWLEY. Will the Senator allow me to ask him a question? Can not the same Congress revoke the appropriation at any time?

Mr. ALLISON. Certainly.

Mr. HAWLEY. It has just as much control over the application as the giving?

Mr. ALLISON. Certainly. There is no doubt about it. If it has not been expended, they can revoke it. But the Senator now apprehends a danger in the distant future that some Congress will come here and will make an appropriation for two years, and that therefore after that Congress adjourns the President can exercise this power for a year or more. That is the implication of his argument.

I venture the statement that no Congress will ever propose an appropriation for the Army or the Navy or for any other purpose, giving a discretion to the Departments for a longer period than one year, unless it be a case where the expenditure can not be made within a year. So there is no danger from the suggestion made by the Senator from Nebraska that we will appropriate money, extending beyond a year, at any time, for the Army or the Navy. These matters are constantly within the supervision and control of Congress, and no President will or can exercise a power contrary thereto.

Mr. ALLEN. The Senator from Iowa has taken up a mere incident of what I have said as the principal item.

Mr. ALLISON. If so, I beg pardon.

Mr. ALLEN. But now suppose, when you come next year to the appropriation for the Army, the President says "the exigencies of this war still exist;" does the Senator contemplate that it is probable that the word of the President of the United States would not be taken by Congress, and the appropriation made?

Mr. ALLISON. I will ask the Senator, he having a part of the responsibility, whether he would not exercise his judgment, having all the facts and the surroundings and the situation before him, and, if necessary, say to the President in the appropriation:

"We think you have made the maximum limit too high. We think you can get along with 95,000 men instead of 100,000." Would we not exercise that discretion and that power here? We always have done it.

Mr. ALLEN. Then the Senator from Vermont [Mr. PROCTOR] is wrong.

Mr. ALLISON. I am sorry if he is wrong, for he is scarcely ever wrong.

Mr. ALLEN. He is.

Mr. ALLISON. I did not understand him to take any other view of the subject.

Mr. ALLEN. The Senator from Vermont said that the sole power to determine whether the exigencies were removed was with the President of the United States.

Mr. BURROWS. In the first instance.

Mr. ALLISON. That is true for a limited period. If we provide here for a hundred thousand men and follow it with an appropriation for a hundred thousand men, then the President has that discretion, and he will exercise it, of course. But suppose we come here next year and the Military Affairs Committee, instead of appropriating for a hundred thousand men, appropriate for 90,000 men; then can the President increase it beyond 90,000 men?

Mr. ALLEN. What I was coming to was—

Mr. PROCTOR. Will the Senator allow me? The Senator from Vermont qualified that statement by adding "until Congress shall otherwise direct."

Mr. ALLEN. I did not hear that part of it. I stand corrected, of course. But what I particularly desire to refer to is that it is not reasonably probable that the time will ever come, at least for a great many years, if the Republican party remains in power a great many years, and I have no doubt it will, when Congress will fail to follow out the recommendation of the President with an appropriation for the Army; and if the President of the United States intimates to his party associates, who are dominant in both branches of Congress, that the exigencies mentioned in this bill still continue, so long as he does that, his party will give him an appropriation to keep the Army at its maximum. So, after all, practically speaking, the time will never come in the history of this kind of legislation, until the President himself says the exigencies are entirely removed, when the Army will be reduced to its minimum. If he fails to do it, the Army will stand at a hundred thousand twenty-five years from to-day as well as now. So, as a matter of fact, we have a permanent standing army of a hundred thousand men saddled upon us in time of peace.

Mr. CAFFERY. Mr. President, the Senator from Iowa [Mr. ALLISON] with his usual skill has suggested a method whereby the Congress can declare that the exigency does not exist for an increase of the Army. It goes without saying that whenever Congress votes to place so much confidence in a President of the United States, the Commander in Chief of the Army and Navy, as to give him the power to increase an army, it is to meet an exigency. If Congress thinks that the Regular Army ought, to be a hundred thousand men or a hundred and fifty thousand men, it has no need to say that that should only be so in case of an exigency. Congress is as capable of deciding what an exigency is as is the President of the United States, and perhaps more so, or equally as much so.

Mr. ALLISON. Is the Senator now arguing that all these provisions about exigencies should be struck from the bill?

Mr. CAFFERY. I have not reached that point of the argument at all.

Mr. ALLISON. That is the implication.

Mr. CAFFERY. When Congress increases an army from a peace establishment of 30,000 men, or allows the President to do so, to an establishment of a hundred thousand men, even without stating any emergency, it would be presumed that one existed to justify such an increase.

Mr. President, the method suggested by the Senator from Iowa is conspicuously a legal method to signify a dissent upon the part of Congress to the action of the President if he has swelled the Army to the maximum. The expedient is to fail to appropriate for the maximum. It is perfectly competent and within the power of Congress to do so. But the pertinent inquiry of the Senator from Nebraska comes in, "Why not let Congress declare what the exigency is that authorizes this increase up to a hundred thousand men from 30,000?" We all know what the exigency is. The people of the United States know what that exigency is. There is no use to confuse the matter by vague conjectures as to a possibility of conflict with England on the Isthmus, or as to any possible complication with China, or with the powers of the world that are seeking to divide and partition that ancient Kingdom or Empire. It is hardly within the remotest possibility that we will ever have a conflict with England in regard to our action respecting the Nicaraguan Canal.

But we have a present, glaring exigency. It is the war in the Philippines. That exigency may be covered, and I doubt not constitutionally, without mentioning it, as was the case in the Mexican

war, when the Army was authorized to be raised to meet an exigency. That exigency was known to all men at that period, and war was imminent. But we not only have a war that can be immediately forced upon us, but we have a war. Why not make the issue direct and plain, and say in this bill that, pending the disturbances in the Philippine Islands, the President of the United States is hereby authorized to increase the Army to a hundred thousand men and to maintain it at that maximum until the Filipinos are permanently subjugated. That is the point of the whole controversy. It may be met by giving to the President the power to raise this Army up to the maximum, but I take it that this increase is for that purpose, and not agreeing with the majority here or the President that the war should be waged for that purpose, I can not give my consent to this bill.

I see no constitutional objection, in my own mind, to giving the President the power to increase an army up to a certain point. Congress always has it within its power, even without any such expression as is contained in the bill—"until otherwise ordered by Congress"—through the method pointed out by the Senator from Iowa, to reduce the Army by failing to appropriate but for just so many men. That is evident. But when we are voting for an army of this kind, when it is proposed that an army of this sort should be raised, it occurs to me that candor requires that we ought to express upon the face of the bill the purpose for which the army is required.

My friend the Senator from Iowa, and other gentlemen on the other side of the Chamber who advocate the continuance of the war in the Philippines until the Filipinos are finally subjugated, know just as well as I do that this increase is not of a permanent character, and it is not designed for all future time to give the President of the United States the power to raise the Army up to the maximum of a hundred thousand men, or any other number to which he may choose to raise it.

Mr. HAWLEY. Mr. President, I think there is nobody in the United States who has the least fear whatever of the abuse of a President's power. I do not think we have ever since the days of George Washington, as a people, felt such fear, because the expenditure of the money and the conduct of the war are just as much under the control of the people as the winding of their watches. You need not talk about giving the President discretion, because the Constitution of the United States makes him Commander in Chief of the Army. He has the discretion already, in advance, conferred upon him.

But what troubles me is not a theory, not a wild misapprehension or pretension of misapprehension; I do not think anybody worries about that; the discussion is academic, as the phrase is. What troubles me is that we have to release about 30,000 of our soldiers and bring them a month's journey across the Pacific and send somebody in their places. The emergency is one that is coming very closely and very painfully upon us. Thirty-five thousand volunteers are to be sent across the Pacific. Thirty-five thousand are to go over. Seventy thousand ought to cross the Pacific before the 1st of July; and here are men discussing worn-out theses, things settled in the time of the Constitution, settled over and over again, and in fact they have been so thoroughly settled that the people had forgotten them but for this debate.

A very distinguished friend of mine, a doctor of divinity and at the same time really a statesman, was listening to a debate a good deal like this one day, and some one said, "What would you do if the President should do so and so?" He said, "Send a constable after him." That is what he would do—send a United States marshal after the President, summon him to a trial of impeachment, and turn him out dishonorably and disgracefully. The American people are strong enough for that, but they will never have occasion for it.

Fellow-Senators, I beg you to let this bill proceed and go through. I look with impatience on useless debate.

Mr. BACON. Mr. President—

Mr. HAWLEY. No, thank you. You have occupied half the time this morning, and more. You are capable of occupying the rest.

Mr. BACON. I beg pardon.

Mr. HAWLEY. I want to see the bill passed, and the work of raising troops to relieve the poor boys in the Philippines go on with rapidity. The War Department has begun to bring them over. They began, I think, with a vessel on the 15th of December. There are one or two vessels to come soon, one on the 1st and one on the 15th, as fast as possible, and they are relying upon us here to give them the means of supplying the deficiencies. We shall soon be where we can not bring even the sick boys back.

The earlier ships were filled with men utterly broken down or so nearly broken down that it was not worth while to keep them in the service. Charitably and gently and kindly the Government is picking them out to send them home. We can bring great distress upon this country very easily. We have nothing to do but to talk for a few months, and that we can all do, we know.

That is all we have to do. Take the defense of our rights and our duties, our trusteeship of a wild and savage people and make it a farce and then see what a chapter you will have written in history. I care nothing about these questions. I want the money and I want the order to raise the troops to supply the deficiencies and put down our enemies and keep our flag where it is and maintain our honor.

Mr. SPOONER. Mr. President, a very few words on this proposition. I confess I do not see very much of gravity in any of the questions which have been discussed here in relation to this bill which seem to oppress my friend the Senator from Georgia [Mr. BACON], nor am I at all disquieted by any of those fears which seem to disquiet him. I have no fear, for one, that the Constitution is losing, anywhere or with anyone, its hold upon the people of this country. I think there has never been a time when there was more universal devotion to it than there is to-day, and the Senator from Georgia must not think—and I do not think he does—that those of us who favor this bill are willing to fasten upon the people the burden and expense of an unnecessary standing army.

I do not remember a time when there have not been patriotic men and able men and worthy men who did not see in some direction evidence of the destruction of our Constitution and our liberties. That apprehended evil has not come and it will not come. We may differ about the Constitution. We do differ about it. We all take the same oath to support it, however, and labor here for a common purpose; but when the limitations upon the Constitution and our differences of construction are settled by the tribunal which is created by the Constitution for that purpose, we all of us yield adherence to it and acquiesce in it.

The framers of the Constitution knew what dangers and burdens are involved in a large standing army. They knew what it had been in the country from which they came, and they did not intend that the people of the United States should be unnecessarily burdened in that way. They placed a restriction in the Constitution—not upon the President. They had no reference to George Washington or any succeeding President. They entertained no doubt as to the President, apparently. But they did entertain some doubt about the wisdom of Congress in the years to come.

They did not seem to think Congress would be the highest possible safeguard, under all circumstances, in respect of the Army, because the restriction which they placed in the Constitution upon that subject is a restriction upon Congress. They gave to Congress the power to raise and support armies, but lest Congress might put upon the country an unnecessary standing army they restricted the power of Congress in this wise: They provided that "no appropriation of money to that use shall continue for a longer period than two years."

Every two years the people elect a House of Representatives, in which these bills in practice originate. Every two years the people pass upon the fidelity and the judgment of their Representatives, and every two years the Congress, fresh from the people, is confronted with the question as to how large the Army shall be and how large the appropriation shall be. So, under the Constitution, the question as to an army is with the people, and there never can be under it for a period longer than two years a larger Army than the people consider necessary and desirable.

The Senator said the people were not awakened on this subject. The question of militarism was much discussed during the last campaign, and discussed upon the basis, also, of a recommendation by the President of the United States heretofore for a Regular Army of a hundred thousand men, and if ever there was evidence that the people—I do not take it as controlling at all—would not regard a hundred thousand men as excessive in the circumstances of to-day, we have had it as the result of the last election.

But, Mr. President, it is strange to me that Senators assert that Congress abdicates its function to the President, violates the Constitution, by fixing a maximum and a minimum for the Regular Army, with authority in the President to enlarge or decrease *within the legal limits*. We say it shall not be below fifty-two or fifty-three thousand; it shall not be above a hundred thousand.

There is flexibility in it. It is designed to meet emergencies, and there are emergencies which Congress does not foresee. None of us thought when Congress adjourned that it would become necessary for the President to send quickly two regiments of troops and a battery of artillery to China to protect the flag of the United States there from actual assault and the men who represent this Government there and their wives and their children from destruction. Exigencies will come. If we could foresee them always it would be well, but we can not.

The notion that nothing of discretion should be committed to the President has not, in my judgment, a sound foundation. There has been upon the statute book since 1795 a law giving large discretion to the President of the United States as to the militia. (Rev. Stat., sec. 1642.) The framers of the Constitution did not intend to leave it to an arbitrary determination by Congress each time as to what forces should be called into the field to protect the United

States or to maintain and enforce the sovereignty of the United States within its own limits. They gave to the Congress the power "to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions."

In the exercise and discharge of that power Congress provided that the President should have power to call out the militia to repel invasions and to suppress insurrections; and within ten days after we adjourned on the 4th day of March, under that law which has been in existence almost as long as the Government has been in existence, the President can call a million men into the Army, volunteers, militia, compelling Congress when it met to pay for its services during those nine months, and to him alone it is left to determine the exigency and the number of men necessary to meet that exigency.

I agree entirely with the Senator from Georgia [Mr. BACON] that if the President, under the provisions of this bill, if it shall become a law shall raise the Army to the maximum, even though when Congress met we disagree with him as to the necessity, we would be obliged to pay the men called into the service, and so we would be obliged, under this old law, to pay the million men called for nine months into the service, even though when Congress met we were of the opinion that there was no exigency at all or that 50,000 men would have met completely the exigency. This power never has been abused in the history of this country. It never will be, I think it is safe to assume.

But it is not an unpatriotic or an unwise thing for us, legislating for a Regular Army, to keep in mind—that is all there is of it—that such exigencies may arise in the vacation calling for immediate action upon the part of the President and demanding the immediate use, in defense of the United States and its honor or for the maintenance of its laws and its sovereignty, of troops not already mustered under authority of Congress. During the Spanish-American war I think it will be agreed that as rapidly as possible men not needed were mustered out of the service, and so I think it will be hereafter.

Now, under this bill we are not providing that the President may raise such a Regular Army as he chooses. We are not leaving it to him to determine, without discretion or limit, the number of men who shall be brought into the Regular Army. We are placing that limit upon the Regular Army ourselves. We are fixing the size of the Regular Army. The President has not the power, nor is he given by this bill discretion, to add one man to the Regular Army above the limitation which we fix for the Regular Army. The only discretionary power that is given to him, and that is limited under the bill, in my judgment, is to meet an exigency which suddenly arises or to maintain the maximum until the present exigencies shall have passed away.

Mr. President, the minimum and maximum limit provided for in the bill I think of very great value, for we will have under it an educated and accomplished staff not too large for the minimum or too small for the maximum.

It is wise, in the public interest, and it is safe to leave some discretion in the President of the United States. I care not whether he belongs to my party or to some other party. He is chosen by the people. He rests under a solemn obligation, as we do, and I never yet have legislated upon the assumption or upon the theory that he may abuse a discretion, or that he will abuse a discretion which we confer upon him, for this Army, whether it is the minimum or the maximum, is an Army raised by the Congress and limited by the Congress.

The Senator would prefer, and I can understand easily the argument by which he would support that proposition, a temporary provision for present exigencies. I think that would be extremely unwise. That would be an attempt on the part of Congress practically to express the legislative opinion that an insurrection in the Philippines, if you please, would last a year or it would last two years. It would tend to incite their resistance and a prolongation of it, in my judgment. Moreover, under a temporary provision we might find ourselves again, as to troops for the Philippines, in the unfortunate situation which now embarrasses us.

I may be mistaken about it, but it might at least have that effect. I think it is wise for its moral effect as well wise in itself that we should provide, in creating a reorganization of the Regular Army, for a permanent plan, flexible in its character, enabling the Government, it always being in the hand of Congress, to bring it to the minimum or to increase it to the maximum as the public exigency demands it.

I have not heard it said here that the minimum is excessive. I have not heard my friend from Georgia, who is a patriotic and able man, intimate, so far as I remember, that the minimum is excessive.

Mr. BACON. I think it is.

Mr. SPOONER. Very well. I think it is not.

Mr. BACON. I will give my reasons afterwards if I have an opportunity.

Mr. SPOONER. The Senator will undoubtedly have an opportunity. I wish to call attention for a moment to what the Presi-

dent says upon that subject. It has not been read in the debate and it is brief:

The present strength of the Army is 100,000 men—65,000 regulars and 35,000 volunteers. Under the act of March 2, 1899, on the 30th of June next the present volunteer force will be discharged and the Regular Army will be reduced to 2,417 officers and 29,025 enlisted men.

That makes some action from two standpoints necessary. Everyone will admit that.

In 1888 a board of officers convened by President Cleveland adopted a comprehensive scheme of coast-defense fortifications which involved the outlay of something over \$100,000,000.

Mr. ALLISON. One hundred and twenty-six million dollars.

Mr. SPOONER. My friend from Iowa says \$126,000,000.

This plan received the approval of the Congress, and since then regular appropriations have been made and the work of fortification has steadily progressed.

Mr. BACON. On what page does the Senator read?

Mr. SPOONER. I read from page 37 of the President's annual message.

More than \$90,000,000 have been invested in a great number of forts and guns, with all the complicated and scientific machinery and electrical appliances necessary for their use. The proper care of this defensive machinery requires men trained in its use.

And I suppose the people of the United States desire this artillery and these fortifications preserved and cared for just as other public works and property in which their money has been expended throughout the country.

Mr. CAFFERY. What number would the Army have to be increased to make that force efficient?

Mr. SPOONER. I will get to that in a moment.

The number of men necessary to perform this duty alone is ascertained by the War Department, at a minimum allowance, to be 18,420.

There are 58 or more military posts in the United States other than the coast-defense fortifications.

The number of these posts is being constantly increased by the Congress.

There has been great pressure, and there will be pressure, from time to time, in different parts of the country, notably from the far West, for Army posts.

More than \$22,000,000—

The President says—

have been expended in building and equipment, and they can only be cared for by the Regular Army. The posts now in existence and others to be built provide for accommodations for, and if fully garrisoned require, 23,000 troops. Many of these posts are along our frontier or at important strategic points the occupation of which is necessary.

We have in Cuba between 5,000 and 6,000 troops. For the present our troops in that island can not be withdrawn or materially diminished, and certainly not until the conclusion of the labors of the constitutional convention now in session and a government provided by the new constitution shall have been established and its stability assured.

In Porto Rico we have reduced the garrisons to 1,636, which includes 879 native troops. There is no room for further reduction here.

Then the President says:

We will be required to keep a considerable force in the Philippine Islands for some time to come. From the best information obtainable we will need there for the immediate future from 45,000 to 60,000 men. I am sure the number may be reduced as the insurgents shall come to acknowledge the authority of the United States, of which there are assuring indications.

Leaving out the forces required for the Philippines, the men required would be 51,056.

Mr. TELLER. How many? Twenty-six and eighteen?

Mr. SPOONER. Twenty-six and eighteen added to 5,000 in Cuba, and I add the 1,636 in Porto Rico.

Mr. TELLER. That is outside.

Mr. SPOONER. I am adding everything except what is required in the Philippines. I do not think my figures are inaccurate, but possibly they may be.

Now, Mr. President, with this minimum and maximum limit it will be in the power of the President to reduce the Army below the maximum.

Mr. ALLEN. Will the Senator permit me to ask him a question?

Mr. SPOONER. Certainly.

Mr. ALLEN. The Philippine Commission, through Judge Taft, I believe, reported in October that by the 1st of January instant the insurrection, or whatever it may be called, would be practically at an end, and there would be scarcely any troops needed after that time.

Mr. SPOONER. I do not know that. I do not remember to have seen such a dispatch. The insurrection is undoubtedly not what it was. I have very good reasons for the belief that it is now not much more in many places than a conspiracy to plunder and murder.

Mr. ALLEN. I suppose it will be scarcely denied that such a dispatch was sent, because it was published as official.

Mr. SPOONER. I do not know whether it was sent or not, for I did not see it, and I do not care whether it was sent or not. I apprehend that no man in the present situation there would be willing to withdraw the great body of our troops and leave 10,000 or 15,000 there, possibly to be overwhelmed or destroyed. I think it a clear proposition also that in the Philippines, when the insurrection shall have ended, it will require a large number of soldiers

to safeguard the interests of that people as well as our own, standing in the relation to that people as we do, until there shall have been formed there a stable government and an arrangement shall have been made there for the native enforcement of the law and the protection of life and liberty and property.

Mr. ALLEN. Will the Senator—

Mr. SPOONER. Mr. President, I do not intend to become involved, in the few words which I wish to say, in any discussion of the Philippine question.

Mr. ALLEN. Of course, I will not insist upon putting my question to the Senator if he objects.

Mr. SPOONER. I do not object to the question, but it is apart from this subject.

Mr. ALLEN. I ask the Senator if he has any information in his possession which permits a forecast of the probable time when the insurrection will end?

Mr. SPOONER. Mr. President, I think that is a wise question, probably, but one who attempted to answer it would be guilty of supreme folly. It is in the very nature of things impossible from my standpoint for any man definitely to forecast it.

Mr. ALLEN. How long does the Senator think it will last?

Mr. SPOONER. I do not know how long it will last, and therefore I will not undertake to say. It may last a year; it may last longer; I do not know. I am not in the confidence of the insurgents there. I do not know what their plans are.

Mr. ALLEN. Mr. President—

Mr. SPOONER. I only know this, Mr. President, that until it shall have ended, and so long as our troops are there, or any portion of our troops are there, we should have an adequate force to protect them and to enable them to protect the people in the archipelago.

Mr. ALLEN. What prompted my question was this: I understood the Senator to say a moment ago that he had reason to believe that the insurrection was practically collapsing at this time, and therefore I took it for granted that he could forecast that it would collapse within a reasonable time.

Mr. SPOONER. I am not in the forecasting business, Mr. President, about matters with which I have no personal or definite knowledge or information. I think the insurrection has very largely been disintegrated; but I think all through that archipelago are bands of armed men intent upon plunder. I think it is as necessary to maintain the force there now as it has been at any time. I should very much fear that if the Army were cut down there, even though there were apparently little insurrection, it might break out anew, and especially in view of the information which has been given to the Senate within the last two days from that country. I believe what the President said in his annual message as to the necessity for troops in the Philippines.

Mr. CAFFERY. Will the Senator permit me to ask him whether the insurrection has not been put down, and that the only persons engaged are organized marauders against the Filipinos themselves? Does he not think that under those conditions the Filipinos would put down any marauders without any assistance from our troops?

Mr. SPOONER. I do not know that they would. They have not been organized yet for that purpose. There is a proposition in this bill to organize twelve native regiments. I think it can be done. I think it is wise to do it. I object to the provision in the bill in regard to their compensation, which it is proposed shall be one-half of the pay of the soldiers of the United States who are serving there now. I intend when the proper time comes to strike out the words "one-half," so that those men may have the same pay and allowances as enlisted men in our regiments there.

Mr. CAFFERY. Will the Senator permit me to ask him whether he shares in the opinion which I have heard expressed by many, that the whole Filipino race is savage and practically a cruel race and pursues inhuman methods of warfare? Does he share in that opinion?

Mr. SPOONER. I have seen some evidences that a portion of the Filipinos pursue cruel and inhuman methods of warfare. I have distinctly more than once from my place in the Senate declared that I did not place the estimate upon the Filipino people as a whole which the Senator indicates.

Mr. CAFFERY. There are a good many of them of the character, however, which has been given to them here of savagery and inhumanity, are there not, in your opinion?

Mr. SPOONER. I did not understand the Senator.

Mr. CAFFERY. There are a great many who possess this character of savagery and inhumanity, according to your opinion?

Mr. SPOONER. Undoubtedly, some of them. I do not know how many.

Mr. CAFFERY. Then I would ask the Senator whether he thinks it is humane to employ such inhuman agents as these Filipinos even to put down the Filipinos themselves?

Mr. SPOONER. I do not believe that savages will be enlisted in our regiments. I suppose the natives who are enlisted will be

men approved by the officers over there, who know them and who select them.

Mr. CAFFERY. It is pretty hard to get these gentle Filipinos. Mr. SPOONER. The Senator can not put words in my mouth, and I do not think he endeavored to do so.

Mr. CAFFERY. Oh, not at all.

Mr. SPOONER. I refer to the statement that the Filipinos as a whole are savage and inhuman people. I have distinctly announced an opinion otherwise hitherto more than once.

Mr. MONEY. Will the Senator from Wisconsin permit me to ask him a question?

Mr. SPOONER. Certainly.

Mr. MONEY. The Senator was a moment ago stating his opinion of the necessity of a large number of troops being stationed in the islands. I ask him if he agrees with General MacArthur, who is now in command there and who is supposed to be the best judge of the number of troops required, his estimate being 100,000 as necessary, I believe; does the Senator agree with the General in that respect?

Mr. SPOONER. I take the recommendation of the War Department and the President upon that subject.

Mr. MONEY. You do not agree, then, with General MacArthur, who is in command there?

Mr. SPOONER. I have no personal knowledge on the subject upon which to base an opinion. I know that the War Department is in a position to investigate the subject carefully, to test the accuracy of General MacArthur's opinion by the opinion of other officers serving there, and I am prepared to accept as nearly correct as it can well be, under the circumstances, the opinion of the War Department and the opinion of the President upon the subject.

Mr. TELLER. Will the Senator from Wisconsin allow me to ask him a question?

Mr. SPOONER. Certainly. I do not want to take so much time, however.

Mr. TELLER. I wish to know if the Senator knows how many soldiers we have got out there now?

Mr. SPOONER. I do not.

Mr. TELLER. I want to know if he thinks we have got any too many out there?

Mr. SPOONER. I doubt if we have.

Mr. TELLER. If he will allow me, I will state to him that the Secretary of War said that we have 71,000 men there.

Mr. BURROWS. We have 71,000 there now.

Mr. SPOONER. Well, a great many of them are on their way back. I want to give to the President the troops that are necessary, and I think the American people want us to give to the President the troops that are necessary to meet the exigency there and to meet any exigency which may confront this country.

Mr. President, nothing is clearer to my mind—I know Senators differ with me upon that subject—than that in fixing a minimum and a maximum, leaving the President to exercise his judgment between the extremes as to what the interest of the country demands, we are simply doing a plain duty. I have no fear that the power will be abused or the discretion will be exercised except in the public interest; and, as has been said so many times here, we have it always in our hands and under our control, not simply in the appropriation bills, but we have the power to pass an amendment to this law at any time we choose declaring that the maximum of the Army shall be 50,000 men, and requiring the mustering out of the service of the excess.

It is absolutely impossible for Congress to disable itself upon this subject. It is not one of those statutes under which there can be any vested rights. It is entirely under our control, and it is not any more a question, therefore, whether we can safely trust the President as it is a question whether we can safely trust ourselves.

Mr. MONEY. That is exactly what I am afraid of.

Mr. SPOONER. I have no fear, Mr. President, that we can not safely trust ourselves, and I hope the people will have no occasion for fearing that they can not safely trust us. One thing is certain, that the body which originates these bills comes every two years fresh from the people.

Mr. ALLEN. But it did not originate the pending bill.

Mr. SPOONER. I know, but in practice from the beginning it has originated the Army appropriation bill, and that will continue to be so.

Mr. ALLEN. There is no constitutional objection to the Senate originating it.

Mr. SPOONER. Perhaps not, but I apprehend that during the life of the country the rule that has been acquiesced in by the Senate will hardly be changed.

Mr. ALLEN. Does the Senator think that if the President desired a continuance of the Army at a maximum Congress should reduce it?

Mr. SPOONER. Mr. President, if the President of the United States desired the continuance of the Army at a maximum, giving,

as he would, his reasons for that recommendation, I do not suppose for one moment that the Senate and the House of Representatives would blindly yield to that recommendation.

Mr. ALLEN. But suppose an exigency arose?

Mr. SPOONER. I suppose if the Senator were here and there was a Democratic President—

Mr. ALLEN. I am not a Democrat.

Mr. SPOONER. Well, a Populistic President—

Mr. ALLEN. That is correct.

Mr. SPOONER. Who recommended that the Army be kept at its maximum, the Senator would examine the President's reasons and he would determine for himself whether they were sufficient or not.

Mr. ALLEN. I should dislike to trust myself under the circumstances.

Mr. SPOONER. I would be willing to trust the Senator as I would be willing to trust all the Senators, and as I would be willing to trust this body. I can not believe it possible that the Congress of the United States will ever, in matters of legislation as to the Army or any other subject, become blindly subservient to any President.

Mr. ALLEN. Has the Senator known of a case since the days of Andrew Johnson where the President's party was in power in Congress and refused to follow his wishes?

Mr. SPOONER. I do not know that I can file any bill of particulars, but I am certain—

Mr. ALLEN. Here is my distinguished friend from Iowa [Mr. ALLISON], who was in Congress at that time. Perhaps he can enlighten us on the subject. What I mean to assert is that no President since the days of Andrew Johnson has ever suggested to his party a policy involving legislation that that party did not follow.

Mr. SPOONER. I have a faint recollection that while Mr. Cleveland was President of the United States he made a suggestion to his party on the financial question which his party, which was in control of both Houses, did not follow.

Mr. MONEY. They did follow him then, but afterwards repudiated him.

Mr. SPOONER. They followed him as to the repeal of the purchasing clause of the Sherman Act, with the assistance of the Republican Senators who had voted for it.

Mr. ALLEN. My friend will not trifle with me; I do not want to be unnecessarily interrupted. Whenever, in the course of politics, the same party being dominant in both branches of Congress and dominant in the executive department, the Executive makes a suggestion of policy to be pursued by the enactment of a given law, and Congress yields to his wishes, does it not, for practical purposes, put the whole question in the hands of the Executive?

Mr. SPOONER. Mr. President, the assumption is a discreditable one to Congress. If the time ever comes when Congress will abdicate its functions, when the Senate and House of Representatives, in regard to the Army bill or any other important matter, refuse to think and become absolutely subject to the domination of a President, it will be a sorry day for this country.

Mr. ALLEN. I admit that. But is it not true that the Congress of the dominant party does follow the policy of the President?

Mr. SPOONER. No; it is not true; and many, many times the President has recommended legislation—

Mr. MONEY. I do not want to interrupt the Senator, but—

Mr. SPOONER. Let me finish my sentence.

Mr. MONEY. Very well.

Mr. SPOONER. Many times within my recollection the President has recommended legislation which Congress did not enact. We are all here as representatives of the people in one way or another. The President has his functions, and we have ours. Under the Constitution the President does not enact laws, and there will never be a one-man power in this country, as to any matter within the domain of legislation, until this Government has become an absolute failure, and until the great body of members of both Houses have forgotten their oaths.

Mr. ALLEN. The Senator gets away from the question.

Mr. SPOONER. I do not get away from it. The Senator seems to fear this bill being enacted into law for the reason that he assumes that, if once enacted into law, it never will be changed, even if it ought to be changed, by Congress, if the President wants it to remain as it is. I repudiate that.

Mr. ALLEN. The Senator gets away from the question. I hope he will let me recall it to him. I am speaking now of practical politics. I am not talking about constitutional powers.

Mr. SPOONER. This is not a town meeting or a political meeting.

Mr. ALLEN. Sometimes it very nearly turns itself into both. Can the Senator recall any instances in a Republican Administration since the days of Andrew Johnson when a Congress dominant with the President has refused to carry out any policy he suggested?

Mr. SPOONER. If that be true, I suppose it has been because they agreed with the President.

Mr. ALLEN. Very well. So they have, on many questions regarding the repeal of certain laws which involved a change of policy, followed the President in his course.

Mr. SPOONER. Not when they disagreed with his views, so far as I remember. I disagree entirely with that. Are we not here confronted with this question every time we meet, and have we not every time thrust in our faces the question as to the size of the Army? We can not escape it; and every two years the question is carried to the people.

Mr. BUTLER. If the Senator will pardon me, here seems to be an illustration of the point at issue. Congress in 1878, in passing the Army bill, put in section 15, prohibiting the President of the United States from using the Army as a posse comitatus. When President Cleveland violated this express statute by sending the Army out to Chicago, what did Congress do?

Mr. SCOTT. He never violated it.

Mr. SPOONER. Does the Senator from North Carolina adopt the suggestion of the Senator from Nebraska and assume that hereafter, so long as there is a Republican President and a Republican majority in both Houses, whatever a President wishes will be done, whether Congress thinks it wise or not?

Mr. BUTLER. Mr. President, I should regret very much to believe that, and I should hesitate to admit it if I did believe it, because it would be a repudiation practically, or an expression of a loss of faith in our Government. We are met, however, with certain facts which we can not shut our eyes to. One of them, to which I was about to refer, was when Congress legislated to prohibit the President of the United States from using the Army except for Army purposes. Then, when President Cleveland, in violation, or what seems to me to be a plain violation, of the letter of the law, sent the Army to Chicago, and was criticised by the press, what did this body do?

A distinguished member of his own party, who voted for this very law, feeling that the President was criticised justly, and had no doubt violated the law, arose in this body and offered a resolution indorsing the course of President Cleveland, and this body passed the resolution. Now, the Senator, feeling that Congress had repealed that law by the adoption of the resolution, and that Congress, in indorsing the action of President Cleveland, had winked at a violation of the law, has offered as an amendment to this bill the same provision which is already on the statute book. That seems to me to be apropos and to be an illustration in point. I hope he will look at it as an exception and not as a rule, but yet it is the fact.

Does not the Senator recognize the distinction and the difference between enacting a law and repealing a law? Is Congress not freer, at least, in acting on a suggestion of the Executive in enacting a law than in repealing one? Then, is it not easier? When you go to repeal a law, you must have all three branches of the Government agree. We may have on the statute book an undesirable law, a law of which a majority of the American people disapprove, a law which two branches of the Government disapprove, and yet one branch of the Government can keep it on the statute book.

Is it not better to keep ourselves in a position where we can act affirmatively, where we can act with our reason, and not where one branch of the Government, the House or the Senate, or the President, when the other branches are probably overwhelmingly in favor of it, can put a veto upon it? The Senate might side with the President, or the House and the Senate might decide, but the President could veto the action of Congress.

So we are changing the precedents; we are changing the rules, and we are changing what seems to be—

Mr. SPOONER. I thought the Senator rose to ask me a question.

Mr. BUTLER. I will not interrupt any further.

Mr. SPOONER. I will allow the Senator to finish his sentence.

Mr. BUTLER. I ask the Senator's pardon for making some remarks after asking the question.

Mr. SPOONER. The resolution to which the Senator refers was not legislation, but it was an expression of opinion by the Senate.

Mr. BUTLER. That is true.

Mr. SPOONER. As to the propriety of the use made of troops by the President Cleveland, I believe there was not much difference of opinion between the parties in the Senate. I do not remember. I was not a member of the Senate at that time.

Mr. BUTLER. I will say that there seems to have been some logrolling on it, and there was an effort to have no yea-and-nay vote. When a yea-and-nay vote was called for by, I think, the Senator from New Hampshire [Mr. GALLINGER], he was appealed to, if I remember correctly, not to do that, as there seemed to be some general understanding not to go on record; they wanted to support the President, but nobody wanted to have the yeas and nays called.

Mr. SPOONER. It was a mere opinion of the Senate, I understand, upon an act of the President, and if I had been here I should have voted for the resolution.

Mr. MONEY. If the Senator will allow me to answer the question, I should be glad to do it, but I do not want to interrupt him.

Mr. SPOONER. In a moment. I rose to speak but a few minutes, and I do not want to take up too much time.

Mr. MONEY. All right.

Mr. SPOONER. I decline for one—other Senators, of course, will do as they choose—to base my action upon the bill upon the assumption that hereafter, if I happen to be a member of this body and think a law ought to be repealed, I will be such a subservient tool and such a moral coward and so utterly faithless to the people whom I represent here as not to be able to vote for its repeal.

I assume—and that is the only assumption in harmony with the dignity and decency of Congress—that if we enact laws which we deem wise from the standpoint of to-day, and later we think they should be repealed, Congress will have the intelligence and the courage to repeal them. I will not base any action of mine upon this bill or any other bill upon the assumption that Congress is ever to become a mere register of the decrees or the will of another department.

This bill, as I read it, without the amendments proposed by the Senator from Georgia, means this: A bill, of course, when it becomes a law, is in its construction to be considered as a whole; one part of it will not be considered independently of the other parts. My understanding of the bill is that this power of the President to increase from the minimum to the maximum the artillery, the cavalry, and the infantry is entirely controlled, as the Senator from Ohio [Mr. FORAKER] insisted it is, by the general provision of the statute authorizing the President to maintain the Army at the maximum during the present exigency or until Congress shall otherwise direct.

I think another thing. I think as the bill is drawn, if the words "or until Congress shall otherwise direct" be stricken out, that when the President shall have reduced the Army, the present emergency having passed and no other quickly succeeding it, he will not have the power to again raise it to the maximum without Congressional authority; and I am not sure that that limitation is a wise one. I think we may safely trust any President when the exigency demands it—and of course he must be the judge—to raise the Army from the minimum to the maximum, or approximating the maximum, so far as he thinks the public necessity may require it.

Anyway, this bill gives the President the power if the Philippine emergency shall have passed, if Cuba shall have established her government and become independent, if native troops are adequate in Porto Rico, if nothing threatens the country, to reduce the Army to the minimum; and I have no doubt that any President would be prompt to exercise that power and reduce the Army to the minimum.

Mr. BACON. I ask for information. Where does the Senator find that power to reduce?

Mr. SPOONER. I find that power in section 26.

Mr. BACON. Inferentially.

Mr. SPOONER. I think when Congress says the President is authorized to maintain the Army at the maximum until the present emergency shall have passed, that is a sufficiently plain declaration that when the present emergency shall have passed the Army shall be reduced to the minimum. That could possibly be made plainer, of course, but I do not think it need be plainer. I doubt if that limitation should be in there at all, because of the uncertainty as to the exigencies which may arise, the matter being all the time within the control of Congress, and the President presumably desiring to save expense to the people as much as we.

I am not ready to believe—I may be too much of an optimist; I think I am not—that we shall have a President who will be willing at any time to fasten upon the people the burden of expense involved in maintaining 50,000 unnecessary soldiers. No man in this Chamber would do it if he were President, and I think no President would do it.

So far as I am concerned, Mr. President, I believe the minimum required is a reasonable one. I think the maximum leaves an Army flexible and elastic to meet emergencies. Some Senators seem to think that if there were an emergency Congress should be called immediately together. It was not the opinion—and I wish to bring the attention of Senators to the fact—of the early statesmen of the country that that would be an adequate resource in case of necessity.

That might have been said against the act which in 1795 was passed, giving the President the power immediately, without limit as to the number, to call into the Army, to be paid out of the Treasury, the militia for nine months. It was thought then—and there is infinitely more danger of it now than there was then—that invasion or insurrection might be so sudden that prompt and immediate action upon the part of the President might be necessary in order to safeguard the interests of this people.

I find nothing of constitutional objection in the bill; I find nothing

of bad policy in it; I find nothing of dangerous precedent in it, and, certainly, I find in that portion of it which leaves some discretion to the President, within the limits fixed by Congress, nothing objectionable.

Mr. BUTLER. Before the Senator takes his seat, I should like to inquire why we would not accomplish everything that the present emergency requires, and overcome every objection which has been raised to having an army for one, two, or three years, and thus, as has been claimed, encourage the Filipinos to fight, by simply providing that the President should have an army of 100,000 soldiers until the Philippine insurrection is suppressed. What is the objection to that? Why would not that meet every requirement?

Mr. SPOONER. That is very indefinite. I see no improvement in that suggestion over the provisions contained in the bill. I believe myself that a maximum of 100,000 men, who can be called into service by the President, is not too large an army for this country. I think it will be kept at this minimum whenever peace prevails; I think it will be raised to the maximum only when necessary.

Mr. BUTLER. Still, in time of peace we will have an army of 100,000 men.

Mr. SPOONER. I think in times of peace we will have the minimum. I think if there should arise a sudden emergency, which demanded more than the minimum, it would be well to have the power upon the statute book quickly to raise it to the maximum.

Mr. BUTLER. But we have no emergency now but the Philippine question, and Congress can certainly legislate for future emergencies.

Mr. SPOONER. I am not talking about the present emergency; but when other emergencies arise.

Mr. BUTLER. We legislate always when they do arise.

Mr. SPOONER. You do not always legislate when they do arise. When war arose in China Congress was not in session; and other emergencies may arise when we are not in session.

Mr. BUTLER. The Senator would agree to keep an army of 100,000 men?

Mr. SPOONER. I do not say that. We are not providing for a compulsory Army of 100,000 men; we are providing for an elastic Army; we are placing a minimum and a maximum limit, and we are allowing the President, subject to our power at every session to change it, in the exercise of his judgment as to the necessities of the country, to raise it from the minimum to the maximum.

Mr. BUTLER. Then why not limit the maximum to simply the continuance of the Philippine trouble, and then let the Army go back to the minimum until Congress can legislate? Why not state that specifically?

Mr. SPOONER. With the words "or until Congress shall otherwise direct" I think it does sufficiently limit it.

Mr. BUTLER. Other Senators think to the contrary.

Mr. SPOONER. No; I have heard no expression to the contrary.

Mr. BUTLER. I will say that the Senator is the only Senator on that side whom I have heard express that opinion.

Mr. SPOONER. I have expressed that opinion a half dozen times.

Mr. MALLORY. Mr. President, I have not trespassed upon the Senate's time or attention with reference to this measure, and I do not now intend to consume more than a sufficient time to briefly state my position in regard to this bill and my reasons for that position.

After the ratification of the treaty whereby the Philippine Islands were annexed as a portion of the territory of the United States, I recognized the fact that it behooved this Government to establish and maintain its sovereignty over every portion of those islands; and I hold it now to be my duty as a member of this body to do all I can conscientiously toward the realization of that end.

While I deplore the necessity which has brought about the situation that now exists, I nevertheless recognize the obligation on me at least to do all that my intelligence indicates I ought to do to bring about a condition of things in that territory whereby the sovereignty of the Government of the United States will be undisputed. Therefore, Mr. President, I have no hesitation in saying that I am willing to give my vote for the purpose of assembling a force in those islands adequate to the purpose of suppressing opposition to the power of the United States Government, whatever that force may be. I do not myself undertake to fix the number, but as nearly two years ago 100,000 men were thought a sufficiency for that purpose, so again, if 100,000 men are a sufficiency, I am willing to vote for that 100,000 men, or if a larger number of men is necessary for the accomplishment of the purpose, I am willing to vote even for a larger number of men.

But, Mr. President, while I am willing to do that, I can not support this bill. I do not see in the exigency which is now

presented to us any excuse or any reason for the people of the United States to turn their backs upon the traditions of the past and to take the tremendous, the unprecedented step which is contemplated by this piece of legislation.

There are some grounds of grave constitutional objections to the principle embodied in this bill presented to thoughtful men, because the Constitution has vested in Congress, and in Congress alone, the power to raise and support armies, and it has been careful to even put a limitation upon Congress itself to prevent it from establishing and undertaking to maintain an army for a greater period than two years; but under the provisions of this bill it is proposed, at the least, to nearly double the Regular Army of the United States. That of itself is a long stride; it is a longer stride than has ever before been made in the history of this country.

But, in addition to that, the bill proposes to vest in the President of the United States the discretionary power, in one instance entirely untrammelled, and in the other qualified by the provision that it shall endure so long as the present exigencies exist—it proposes to confer upon the President that untrammelled power to increase the Army of the United States from the figure of 50,000 men, to put it in round numbers, to 100,000 men.

I took the infantry provision in this bill and figured as to what change could be wrought in the condition of the Army if the President chose to avail himself of the discretion that is vested in him by the section covering that portion of the Army. Under the minimum provision each company of infantry shall consist of "1 first sergeant, 1 quartermaster-sergeant, 4 sergeants, 6 corporals, 2 cooks, 2 musicians, 1 artificer, and 48 privates," but the President, in his discretion, without any qualification as to what that discretion shall be gauged by, "may increase the number of sergeants in any company of infantry to 6, the number of corporals to 10, and the number of privates to 127, but the total number of enlisted men authorized for the whole Army shall not at any time be exceeded."

I figured as to what was the meaning of this provision when put in practical operation, and I find that under the minimum rule the infantry, consisting of 30 regiments, will amount to 23,400 men, and, when raised to its maximum, in the discretion of the President, it will be composed of 53,280. That single arm of the service will be increased considerably more than twofold at the President's discretion.

In view of the constitutional provision which gives Congress, and Congress alone, the power to raise and support armies, does it not seem that this is a long stride in opposition to the principle embodied in that provision? If the raising of the number of the Army from twenty-three thousand and odd to fifty-three thousand and odd is not equivalent to the raising of an additional army, I fail to understand what an additional army is.

But, Mr. President, passing aside from the details of the measure, I would ask those gentlemen who favor, and favor so earnestly, its enactment to give us one good reason why the standing Regular Army should be increased to a hundred thousand men. I have listened with a great deal of interest to the arguments that have been put forth here and to the reasons which have been assigned as a justification for this tremendous increase in the fighting force of the country.

One gentleman has declared that it is eminently desirable that the standing Army should be increased, because if we repeat that which we did on March 2, 1899, by simply providing for a temporary increase of the Army, it will give aid and comfort to the Filipinos and will impress them with the idea that the United States is not seriously intending to suppress the insurrection in those islands. I take it, in view of the fact that Congress at its best can make appropriations for the maintenance of the Army for only two years in advance, that the apprehension that our raising an army, which of itself is to endure for two years but which Congress can continue from time to time, as in its discretion seems best, would not be any more of an incentive to hope on the part of our Filipino insurrectionists than would be the calling of their attention to the fact that Congress is without power to make an appropriation for an army for a longer period than two years.

Another very eminent member of this body has assigned as a reason why we should branch forth upon this new military career that we are expanding in a most phenomenal way, that our trade and commerce are reaching forth to the utmost ends of the earth, and that no one can tell at what moment some exigency may arise which will require the United States to exert its full power in order to protect our commerce and trade. That may be, Mr. President, but the mere suspicion or the mere assertion of such a suspicion fails to carry any weight with me.

I take it, Mr. President, that it is not the purpose or intent of the people of the United States to use a standing army for the purpose of enlarging their commercial sphere of action. I take it that the United States has too often observed the calamitous results of such efforts on the part of other nations; and if we wanted

an object lesson of the wrong and the injustice which can be done under such a pretext, we could not have a better one than is presented to us to-day by what is transpiring in South Africa.

If ever there was a commercial war, if ever there was war inspired and brought about and which has been conducted on purely commercial principles, it is that war which England is now waging with such terrible ferocity against the unhappy Boers. I trust, Mr. President, the people of the United States will never consent to use their Army, Regular or Volunteer, for such a purpose as that for which the English army is being employed by the Government of Great Britain in South Africa to-day.

As a specimen of the way in which that commercial propaganda is being carried on, I will read an extract from a letter from one of the Canadian volunteers which I found published in a Washington paper a few days ago. It is a letter from Belfast, South Africa. Lieutenant Morrison, of Ottawa, editor of the Ottawa Citizen, who was with the Canadian artillery there and has been recently mentioned in the dispatches for gallant conduct in action, describes the march through Steilpoort Valley, North of Belfast. He says, among other things, in describing the destruction of a settlement:

First there was an ominous bluish haze over the town, and then the smoke rolled up in volumes that could be seen for 50 miles away. The Boers on the hills seemed paralyzed by the sight and stopped shooting. When the lull came General Smith-Dorrien invited the artillery officers to go down into the place with him on a sort of official appearance—"just tell them that you saw me" style of thing. The town was very quiet save for the roaring and crackle of the flames. On the steps of the church a group of women and children were huddled. The women's faces were very white, but some of them had spots of red on either cheek and their eyes were blazing.

The troops were systematically looking the place over, and as they got quite through with each house they burned it. Our Canadian boys helped the women to get their furniture out with much the same concern as they would exhibit at a village fire at home. If they saw anything, however, they particularly fancied they would likely appropriate it ("muzzle not the ox that treadeth out the corn"), but they had not the callous nerve to take the people's stuff before their eyes. But you should have seen the Royal Irish on the loot. They helped the people out with their stuff by heaving bureaus bodily through the windows, putting pickaxes through melodeons, and such like wantonness. I heard one yell: "Begorry, Tim, here's a nice carpet. Oi think O'll take it home for the old woman. Lind a hand here." R-r-r-rip! Up came a handsome pile carpet in strips. And so the work went on, the officers standing by laughing at the costly fun their men were having.

As I stood looking, a woman, the owner of a very pretty little cottage standing in a rose garden on a side street which was being destroyed, turned to me and pathetically exclaimed, "Oh, how can you be so cruel?" I sympathized with her and explained that it was an order and had to be obeyed. But all the same it was an intensely sad sight to see the little homes burning and the rose bushes withering up in the pretty gardens, and the pathetic groups of homeless and distressed women and little children weeping in their abject misery and despair among the smoking ruins as we rode away.

That, Mr. President, is not an exaggerated picture of the scenes of a commercial war that are constantly occurring on that stage. I should certainly deprecate any tendency on the part of our people, merely for the purpose of spreading their avenues of commercial influence and trade, to undertake to compel by force of arms the submission of an unwilling people to a reception of their goods.

The same authority who has urged as a reason why we should have this unusually large standing Army also assigns as a cause the fact that we will ere long possibly be engaged in constructing a canal across the Central American Isthmus, and that it will be necessary for us to have troops enough to police the line of the proposed canal. It strikes me that a moment's reflection ought to convince anyone that that is hardly a sufficient reason for the United States to turn its back upon the past and to take this very important step. At the best, if a few thousand men were necessary for the purpose of policing the route of a proposed canal, a thing which heretofore has not been deemed necessary, I believe, either in the case of Panama or in the case of the Suez Canal, there would be no difficulty at the proper time in Congress providing an adequate force for that purpose.

Those are, I think, Mr. President, all the reasons that have been assigned by the very earnest and able advocates of the measure on this floor for the increase of the Regular Army. There has been no effort on the part of the committee in their report to give any reason at all other than their bald declaration that it is desirable; and as has been pointed out already by a Senator upon this floor, they devote by far the major portion of their report to the consideration of the question whether beer should or should not be sold at the Army posts of the land, failing to say one word why we should advance the Army from thirty thousand to a hundred thousand men and vest the President with an absolute discretion to make that advance at any time when he sees proper.

I have heard several very able and learned gentlemen, for whose opinions I have very much respect, express an opinion as to what is an adequate standing army for the United States. One Senator here, for whose judgment we all have a very high respect, has given it as his opinion that one soldier for every thousand inhabitants is about the correct thing; and I think the opinions of others that it should be one to about that number is the opinion that probably prevails in this body to-day. I do not think anyone can take an arbitrary basis for a judgment of that kind. What

is the use of a standing army in this country? Why should the figure of one man to a thousand of the inhabitants be selected rather than one to two thousand or one to five hundred? It is purely arbitrary, unless we contemplate the object and purpose and reason of being of the Regular Army.

I take it there is no apprehension in the breast of any intelligent man in this country to-day that we have any reason to fear an invasion from any foreign power. We have no idea that Canada on the north or Mexico on the south presents any menace to the peace and dignity of the United States. And unless we have some apprehension from nations and people that are contiguous to our boundaries, what reason have we to apprehend that there will be an invasion of this country?

It would be a physical impossibility for any of the European nations to invade this country. When we reflect as to the time and the effort and the expense that would be necessary even to land an army of a hundred thousand men upon our shores, the suggestion that it is necessary for us to keep an army of that size in order to resist any possible invasion seems to me to be absurd. Consequently in the condition and situation of things as they are now I have failed to see any reason why there should be an increase of the standing Army to a hundred thousand men.

The opinions of gentlemen of the present day are undoubtedly entitled to consideration, but in investigating the matter to satisfy myself I ran across the opinion of one who lived in the days of the framers of the Constitution and who looked at the subject of standing armies for republics from the point of view at which stood the men who founded our institutions. I read, Mr. President, from the eighth number of the *Federalist* upon this point:

There is a wide difference, also, between military establishments in a country seldom exposed by its situation to internal invasions and in one which is often subject to them and always apprehensive of them. The rulers of the former can have no good pretext, if they are even so inclined, to keep on foot armies so numerous as must of necessity be maintained in the latter.

In other words, the writer regards the necessity for a large or a small army as being entirely dependent upon the surrounding circumstances and the environments of that army. Again:

In a country in the predicament last described the contrary of all this happens. The perpetual menaces of danger oblige the government to be always prepared to repel it; its armies must be numerous enough for instant defense. The continual necessity for their services enhances the importance of the soldier, and proportionably degrades the condition of the citizen. The military state becomes elevated above the civil. The inhabitants of territories often the theater of war are unavoidably subjected to frequent infringements on their rights which serve to weaken their sense of those rights, and by degrees the people are brought to consider the soldiery not only as their protectors, but as their superiors.

The transition from this disposition to that of considering them as masters is neither remote nor difficult; but it is very difficult to prevail upon a people under such impressions to make a bold or effectual resistance to usurpations supported by the military power.

To anyone who has visited Germany, or, in fact, almost any of the continental nations, in recent years the truth of these objections and criticisms would seem to be almost prophetic. The writer, referring to Great Britain, says:

The Kingdom of Great Britain falls within the first description. An insular situation and a powerful marine, guarding it in a great measure against the possibility of foreign invasion, supersede the necessity of a numerous army within the Kingdom. A sufficient force to make head against a sudden descent till the militia could have time to rally and embody is all that has been deemed requisite. No motive of national policy has demanded, nor would public opinion have tolerated, a larger number of troops upon its domestic establishment. There has been for a long time past little room for the operation of the other causes which have been enumerated as the consequences of internal war. This peculiar felicity of situation has in a great degree contributed to preserve the liberty which that country to this day enjoys in spite of the prevalent venality and corruption.

Again, applying this reasoning to our own position, he says:

If we are wise enough to preserve the Union we may for ages enjoy an advantage similar to that of an insulated situation. Europe is at a great distance from us. Her colonies in our vicinity will be likely to continue too much disproportioned in strength to be able to give us any dangerous annoyance. Extensive military establishments can not, in this position, be necessary to our security.

It has been said that this proposed increase does not make a large army. For Germany it would not be a large army, for France it would not be a large army, for Russia it would not be a large army; but, gauging it by the necessity which exists in the United States to-day, it is a large regular standing army, and I submit that there is no occasion for it. If it is necessary for us to subdue those who are in arms against the power and the authority of the Government of the United States, we can do it as we did two years ago, and make ample provision for the vindication of the honor and dignity of our country; but, sir, that does not necessarily involve the abandonment of principles which we have adhered to in the past and the turning of our backs upon the principles which we have inherited from the fathers, and adhesion to which has resulted in building up the glory and the honor of our great Republic.

Mr. BACON. Mr. President, the Senator from Connecticut [Mr. HAWLEY] made an appeal to Senators to permit this bill to pass, and the nature of that appeal was rather an intimation than an accusation that its passage was being unduly obstructed. I desire to say for myself—and I am quite sure I represent the feel-

ings and intentions of others as well as myself—that there has been not the slightest disposition to obstruct the bill. On the contrary, I will say for myself that I have purposely avoided bringing before the Senate a matter in which I feel a very deep interest because of my indisposition to throw any matter into the consideration of the Senate which would delay the action of this body upon the pending bill at the earliest practicable moment.

I desired to say that to the Senator from Connecticut at the time, and it was for that purpose that I attempted to interrupt him; but he exercised his right to decline to be interrupted, and of course I did not press the matter at that time; but I take this opportunity to say that there is no word uttered by me, nor do I believe there is by anybody else, for the purpose of delay. We do think that this is a very important bill and that its provisions should be very thoroughly discussed. I have very little more to say. I do desire to say something in reply to some remarks which have been made this afternoon, somewhat directed toward the positions which I have taken. I understand, however, that it is the desire of Senators on the other side probably to take up the District bill for a short time this afternoon.

Mr. PLATT of Connecticut. To take up what?

Mr. BACON. I think it is the District bill. So I was told. I may be mistaken about the bill. It is a bill which it will require a good while to read.

Mr. BERRY. Is it the legislative appropriation bill?

Mr. STEWART. The District code.

Mr. BACON. The District code; that is it. Possibly the time might be utilized in that way, and if so I have no disposition to go on now. I shall not occupy much time in the morning. That is a very important matter, I presume, which ought to be taken up at some time, and we are obliged to take some fragmentary time to do it. I wish to accommodate myself to whatever may be the wish of the Senate in the matter.

Mr. McCOMAS. Will the Senator from Georgia permit me to present an amendment?

Mr. BACON. Certainly.

Mr. McCOMAS. I present an amendment to the pending bill, which I ask to have printed.

The PRESIDENT pro tempore. The amendment will be received, printed, and lie on the table.

Mr. BERRY. I offer an amendment to the pending bill, and ask that it may be read and then printed.

The PRESIDENT pro tempore. The Secretary will read the amendment presented by the Senator from Arkansas.

The SECRETARY. It is proposed to insert after the last section of the bill the following:

SEC. —. That within ten days after the bill shall become a law the President of the United States shall issue his proclamation declaring that the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over the Philippine Islands except for the pacification thereof, and asserts its determination, when that is accomplished, to leave the government and control of the islands to its people.

The PRESIDENT pro tempore. The amendment will be printed and lie on the table.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. 10846) to authorize the construction of a bridge across the Mississippi River at or near Cape Girardeau, Mo.; and

A bill (H. R. 13399) for the establishment of a beacon light on Hambrook Bar, Choptank River, Maryland, and for other purposes.

The following bills were severally read twice by their titles, and referred to the Committee on Indian Affairs:

A bill (H. R. 8966) for the relief of certain Indians in the Indian Territory who desire to sell their lands and improvements and emigrate elsewhere; and

A bill (H. R. 10967) to authorize Arizona Water Company to construct power plant on Pima Indian Reservation in Maricopa County, Ariz.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 417) for the relief of Henry Cook;

A bill (H. R. 425) for the relief of David K. Reynolds;

A bill (H. R. 2464) to remove the charge of desertion from the military record of Nicholas Swingle;

A bill (H. R. 3135) to correct the military record of Lieut. Edward B. Howard;

A bill (H. R. 4020) for the relief of William Burke;

A bill (H. R. 5599) granting an honorable discharge to James L. Proctor;

A bill (H. R. 6323) for the relief of John McDonald, alias John Shannon;

A bill (H. R. 6492) to correct the military record of James Donahue;

A bill (H. R. 7243) to remove the charge of desertion from the military record of Silas Nicholson;

A bill (H. R. 7602) to correct the military record of Palmer G. Percy; and

A bill (H. R. 8474) to remove the charge of desertion from the military record of Gustavus Adolphus Thompson.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 191) granting an increase of pension to Laura P. Lee;

A bill (H. R. 236) granting an increase of pension to Albert M. Bennett;

A bill (H. R. 296) granting an increase of pension to Mattie Otis Dickinson;

A bill (H. R. 429) granting an increase of pension to John R. Joy;

A bill (H. R. 1604) granting an increase of pension to Joel H. Hollowell;

A bill (H. R. 1995) granting an increase of pension to Frederick O. Lathrop;

A bill (H. R. 2035) granting a pension to Jane A. E. Womack;

A bill (H. R. 2092) granting an increase of pension to Madison McCollister;

A bill (H. R. 2178) granting an increase of pension to James Beistle;

A bill (H. R. 2395) granting an increase of pension to Matthew McDonald;

A bill (H. R. 2399) granting an increase of pension to Edward McDuffey;

A bill (H. R. 2527) granting a pension to David Briggs;

A bill (H. R. 2595) granting an increase of pension to William C. Griffin;

A bill (H. R. 2816) granting a pension to Annie C. Collier;

A bill (H. R. 3247) granting an increase of pension to George Mowry;

A bill (H. R. 3436) granting an increase of pension to John Abel;

A bill (H. R. 3512) granting a pension to Rebecca G. Irwin;

A bill (H. R. 3545) granting a pension to Ellen Hardin Walworth;

A bill (H. R. 3546) granting a pension to Caroline M. H. Searing;

A bill (H. R. 3784) granting an increase of pension to Linsay C. Jones;

A bill (H. R. 3871) granting a pension to William J. Worthington;

A bill (H. R. 4018) granting a pension to Elizabeth Dinnon;

A bill (H. R. 4217) granting an increase of pension to Michael Dignon;

A bill (H. R. 4651) granting a pension to Emily Alder;

A bill (H. R. 4963) granting a pension to James E. Bates;

A bill (H. R. 4963) granting an increase of pension to Charles E. Churchill;

A bill (H. R. 5224) granting an increase of pension to Daniel Smith;

A bill (H. R. 5336) granting an increase of pension to William S. Swaney;

A bill (H. R. 5610) granting a pension to Elizabeth B. McClellan;

A bill (H. R. 5853) granting a pension to Mary Black;

A bill (H. R. 5898) granting an increase of pension to George F. White;

A bill (H. R. 6787) granting an increase of pension to Edwin A. Wilson;

A bill (H. R. 6810) granting an increase of pension to Peter Anderson;

A bill (H. R. 6997) granting an increase of pension to Josephine H. Whitehead;

A bill (H. R. 7024) granting an increase of pension to Sarah Herriman;

A bill (H. R. 7053) granting a pension to Addie S. Potter;

A bill (H. R. 7152) granting an increase of pension to Nancy L. Donaldson;

A bill (H. R. 7580) granting a pension to Samuel N. Haskins;

A bill (H. R. 7617) granting an increase of pension to Rebecca Tolson;

A bill (H. R. 7757) granting a pension to Agnes Ryder;

A bill (H. R. 8091) granting a pension to Benjamin E. Styles;

A bill (H. R. 8106) granting a pension to Olivia Donathy;

A bill (H. R. 8190) granting a pension to Henry Miller;

A bill (H. R. 8594) granting a pension to Matilda Rapp;

A bill (H. R. 8679) granting an increase of pension to Chauncey Sheldon;

A bill (H. R. 8771) granting an increase of pension to Lyman A. Sayles;

A bill (H. R. 8794) granting an increase of pension to Ellen H. Phillips;

A bill (H. R. 9106) granting a pension to Nancy Marshall;

A bill (H. R. 9165) granting an increase of pension to Horace L. Stiles;

A bill (H. R. 9177) granting an increase of pension to Luke P. Allphin;

A bill (H. R. 9382) granting a pension to Adella M. Anthony;

A bill (H. R. 9404) granting a pension to Elizabeth Hendricks;

A bill (H. R. 9672) granting an increase of pension to Mary J. D. McGlensley;

A bill (H. R. 9745) granting a pension to Susan Sidenbender;

A bill (H. R. 9787) granting a pension to Marion M. Stone;

A bill (H. R. 9874) granting an increase of pension to Anna F. Johnson;

A bill (H. R. 9903) granting an increase of pension to Henry B. Shell;

A bill (H. R. 9928) granting an increase of pension to H. S. Reed, alias Daniel Hull;

A bill (H. R. 9935) granting an increase of pension to Martin Sherwood;

A bill (H. R. 10021) granting an increase of pension to John R. Robinson;

A bill (H. R. 10069) granting a pension to Sarah T. Brewer;

A bill (H. R. 10482) granting a pension to Pattie D. McCown;

A bill (H. R. 10567) granting a pension to Mary L. Tweddle;

A bill (H. R. 10617) granting an increase of pension to Kate E. Duffy;

A bill (H. R. 10706) granting a pension to Flora Moore;

A bill (H. R. 10792) granting an increase of pension to John T. Knox;

A bill (H. R. 11031) granting a pension to Ambrose Brisett;

A bill (H. R. 11196) granting an increase of pension to Louis Snyder;

A bill (H. R. 11335) granting an increase of pension to Silas Howard;

A bill (H. R. 11361) granting a pension to Susan A. Miller;

A bill (H. R. 11452) granting a pension to Nettie L. Bliss;

A bill (H. R. 11508) granting a pension to George T. Boulding;

A bill (H. R. 11574) granting a pension to William H. Palmer;

A bill (H. R. 11583) granting an increase of pension to Jerome R. Rowley;

A bill (H. R. 11680) granting an increase of pension to Isabela Myers;

A bill (H. R. 11768) granting an increase of pension to John Walker;

A bill (H. R. 11795) granting a pension to Columbus S. Whitaker;

A bill (H. R. 11910) granting an increase of pension to Thomas H. Roberts;

A bill (H. R. 11927) granting a pension to Elizabeth Dickerson;

A bill (H. R. 11985) granting an increase of pension to Henry C. Brooks;

A bill (H. R. 12061) granting an increase of pension to Henry S. Topping;

A bill (H. R. 12079) granting an increase of pension to Benjamin T. Thomas;

A bill (H. R. 12233) granting a pension to Ashel C. Aulick;

A bill (H. R. 12245) granting an increase of pension to Henry A. Jordan; and

A bill (H. R. 12630) granting an increase of pension to John P. C. Shanks.

The bill (H. R. 10664) granting permission to the Indians on the Grand Portage Indian Reservation, in the State of Minnesota, to cut and dispose of the timber on their several allotments on said reservation was read twice by its title.

Mr. NELSON. There is a similar Senate bill on the Calendar, reported from the Committee on Indian Affairs favorably. I ask that the House bill be substituted for the Senate bill.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Minnesota, that this bill shall take the place of the Senate bill now on the Calendar? The Chair hears none, and it is so ordered. The Senate bill will be indefinitely postponed.

COURTS IN TENNESSEE.

The bill (H. R. 12546) to change and fix the time for holding the district and circuit courts of the United States for the northeastern division of the eastern district of Tennessee was read the first time by its title.

Mr. PETTUS. I ask unanimous consent to be allowed to make a report on that bill, as I have been ordered to do by the Judiciary Committee. This is merely a local bill, changing the time of holding court in the eastern district of Tennessee. The grand jurors are about to be selected, and it merely changes the time of holding that court.

The PRESIDENT pro tempore. Does the Senator report upon the same bill?

Mr. PETTUS. Yes, sir; and I ask the unanimous consent of the Senate that the bill may be considered now. All that it does is to change the time of holding the court.

The PRESIDENT pro tempore. The bill will be read at length. The bill was read the second time at length, as follows:

Be it enacted, etc., That the terms of the circuit and district courts of the United States for the northeastern division of the eastern district of Tennessee,

held at Greeneville, Tenn., shall commence on the second Monday in November and May of each year, instead of the fourth Monday in August and February, as is now provided by law; and each of said terms shall continue as long as the presiding judge may deem necessary.

SEC. 2. That no action, suit, proceeding, information, indictment, recognizance, bail bond, or other process in either of said courts shall abate or be rendered invalid by reason of the change of time in the holding of the terms of said courts, but the same shall be deemed to be returnable to, pending, and triable at the terms herein provided for.

SEC. 3. That all laws and parts of laws conflicting with this act be, and are hereby, repealed.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was ordered to a third reading, read the third time, and passed.

THE MILITARY ESTABLISHMENT.

The Senate resumed the consideration of the bill (S. 4300) to increase the efficiency of the military establishment of the United States.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Georgia [Mr. BACON].

Mr. HAWLEY. I move to lay the amendment on the table.

Mr. BACON. Mr. President—

The PRESIDENT pro tempore. The Senator from Connecticut moves to lay the amendment on the table.

Mr. TELLER. Let it be read.

Mr. BACON. I understood that I had the floor. I simply suspended for routine matters.

Mr. HAWLEY. I leave that to the Chair.

Mr. BACON. If the Senator from Connecticut, under my statement that I have not concluded, desires to move to lay the amendment on the table, I shall not ask him to do otherwise. He can pursue his own course about that.

Mr. HAWLEY. I was not present. I withdraw my motion.

The PRESIDENT pro tempore. The Senator from Connecticut was not present when the Senator from Georgia made his statement. The Senator from Connecticut withdraws his motion?

Mr. HAWLEY. I do for the present.

Mr. ALLEN. I should like to ask the Senator from Georgia if he desires to proceed this evening?

Mr. BACON. I was going to say that I shall not occupy much more of the time of the Senate. I would not occupy any time except that certain things which have been stated especially in reply to what I said to the Senate require that I should do so. I would prefer, if possible, not to go on this afternoon. I have been here on a constant strain since 12 o'clock without going to lunch, and I am fatigued, as is the Senate, I know. It is about 5 o'clock, and I hope the amendment will go over until to-morrow morning.

Mr. ALDRICH. I see no objection to the Senator's amendment going over, provided we can go on with other amendments. I believe there are quite a number of other amendments to be acted upon.

Mr. BACON. I have no objection, of course, to that.

Mr. ALDRICH. I make the request for the personal convenience of the Senator.

The PRESIDENT pro tempore. Is there objection to the amendment offered by the Senator from Georgia being postponed until to-morrow morning? The Chair hears none.

Mr. ALLEN. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Dolliver,	McComas,	Scott,
Allen,	Elkins,	McCumber,	Sewell,
Allison,	Foraker,	McMillan,	Shoup,
Bacon,	Foster,	Martin,	Simon,
Bard,	Frye,	Money,	Stewart,
Bate,	Gallinger,	Morgan,	Taliaferro,
Berry,	Hale,	Nelson,	Teller,
Burrows,	Hawley,	Perkins,	Thurston,
Caffery,	Heitfeld,	Pettigrew,	Towne,
Carter,	Jones, Ark.	Pettus,	Turley,
Chilton,	Kean,	Platt, Conn.	Warren,
Clark,	Kyle,	Pritchard,	
Cockrell,	Lindsay,	Proctor,	
Culbertson,	Lodge,	Quarles,	

The PRESIDENT pro tempore. In answer to the roll call 53 Senators have responded. There is a quorum present. The Secretary will state the next amendment.

The SECRETARY. Amendment by Mr. TELLER. Amend section 29, page 41, by striking out the words "has been" in line 21 and inserting "shall be hereafter;" so as to read:

SEC. 29. That when in the opinion of the President the interests of the service will be benefited thereby he is empowered to place upon the retired list, by Executive order, any officer who shall be hereafter suspended from duty, either by sentence of court-martial or by virtue of an Executive order in mitigation of such sentence, for a period extending to or within one year of the time of his compulsory retirement for age.

Mr. TELLER. Mr. President, the other day I made some remarks upon the bill which seemed to stir up certain members of

the committee who reported it, and I was charged with doing injustice to the War Department. I said that the bill was drawn, in my opinion, with reference to taking care of certain pets of the Department. Now, I am going to add that in my opinion it was also drawn so that it could take care of, and that it was intended to take care of, the late General Eagan, whatever his rank might have been. The section reads as follows:

SEC. 29. That when in the opinion of the President the interests of the service will be benefited thereby, he is empowered to place upon the retired list, by Executive order, any officer who has been suspended from duty, either by sentence of court-martial or by virtue of an Executive order in mitigation of such sentence, for a period extending to or within one year of the time of his compulsory retirement for age.

Now, Mr. President, that has a retroactive effect and allows the President to do what he can not do unless this law passes. I have been told, and I do not suppose there is any secrecy about it, that this provision was put in here that the President might retire General Eagan. The President took another method of retiring him, and, therefore, there is not any particular reason why this section should remain. I have asked the committee to make this provision simply a future rule of conduct, which they are not willing to do. As they are not, I propose to discuss it at some length. My amendment leaves the President with the same power by striking out the words "has been," in line 21, and inserting "shall be hereafter" before the word "suspended."

Mr. President, I need not say to a body of lawyers like this that retroactive laws are vicious, and that, unless there is some very good reason for it, they never ought to be passed. The reasons which seemed to justify the committee have passed away, unless there was a further purpose of retiring an officer who falls within this provision as it now stands, and that is Maj. J. W. Wham, paymaster of the United States Army.

Mr. President, I am quite tempted, although the hour is late, to discuss this provision with reference to the purpose for which it was originally put in, and then to discuss it with reference to the purpose for which it is now maintained and insisted that it shall remain. It can have no other effect whatever now, except as special legislation to retire one single officer, for I do not believe there is now more than one officer who would fall within its provisions. There were undoubtedly two a short time since.

I have not any desire to say anything unpleasant or vicious about anybody nor to criticize the Executive unduly, and if I do so, Mr. President, it is simply because the committee have brought here the most remarkable provision that ever was put in a statute or attempted to be put into a statute since I have been in public life—at least, that attracted my attention.

There was, early in the war with Spain, a great deal of scandal growing out of the use of beef that was usually termed "embalmed" beef. I believe it was beef boiled and canned, and some of it was of very ancient lineage. Some of it had made a trip to Europe and back, had been condemned there and found unfit for use, and was sent back and purchased by the Government of the United States and served out to the volunteer and regular forces of the United States in our Army.

The General of the Army, as it was his duty and his privilege, called the attention of the country to it after his attention had been called to it in a way that he could not avoid it, and an officer of the United States made an exhibition of himself (and I will not attempt to go into the details of it), showing that, while the boast is often made that the Army of the United States is always officered by gentlemen, it was officered to this extent by a miserable blackguard. His language with reference to the Commanding General of the Army was brutal and low, and such as no gentleman would have ever used, no matter what the provocation was.

It was so bad that it could not be overlooked, although there was evidently a very great anxiety to overlook it in the Army; that is, in certain branches of the Army, with certain parties. A proper finding suspended this man, or rather found him guilty of conduct unbecoming an officer, which rendered him unfit to remain in the Army; and the President of the United States furnished the most disgraceful episode that has occurred in the Army since I can remember. The proceeding by the President shocked the moral sense and, I may say, the respect for decency of the American people. The President suspended him on full pay. The President said to him in substance, "You are guilty of conduct unbecoming a gentleman and you may now lie off for four or five years; you need not render any service to the Government, but you shall have your full pay."

Mr. President, that was a decoration and not a suspension, and there are a great many people in the United States who believe it was intended as a decoration, who believe it was a reward for a vile and miserable attack on the General of the Army. This provision was put in the bill here for the purpose of enabling the President to retire General Eagan, so that the President might appoint the man who had been doing the service on half pay, as should have been the case, to the place that would be made vacant by this man's retirement.

I do not want to comment further upon this matter. I know

that it was not a very edifying thing to do. I know it was not a very attractive thing for the young men coming into the Army to see a blackguard of this character decorated with permission to retire and to take his ease, while the Government gave him full pay, when other men who have by slight infractions of the regulations and not by the commission of such indecencies as those to which I have referred been suspended without pay or with partial pay. I thought when there was no longer any necessity for it the committee would see the propriety of getting rid of it, but the committee have not done so.

I believe I shall not commit any breach of etiquette or propriety if I say that the provision is maintained in this bill for the purpose of retiring a man who has had a controversy for some time with certain members of the Army. So, if I said the bill was to take care of the pets, I will now add that the bill apparently seems to be for the purpose of getting rid of an offensive Army officer, who can not be gotten rid of under the law, and ought not to be gotten rid of under any circumstances whatever.

Mr. KEAN. What is his position now?

Mr. TELLER. He is suspended.

Mr. KEAN. I thought he was retired.

Mr. TELLER. On July 8, 1898, Congress passed this law:

An act to authorize the President to restore Maj. Joseph W. Wham, paymaster, United States Army, to duty, his former rank, and status in the United States Army.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is hereby authorized to revoke the order of the President approving the proceedings of the general court-martial which sentenced Maj. J. W. Wham, paymaster, United States Army, to be dismissed the service, and mitigating the sentence to suspension on half pay from rank, duty, and all privileges until January 18, 1904, his name to be placed at the foot of the lists of majors in the Pay Department, and to disapprove the sentence of dismissal of Maj. Joseph W. Wham, paymaster, United States Army, and to restore him to duty, previous rank, and status in the United States Army, and full pay from and after the passage of this act.

Mr. President, that act passed both branches of Congress and became a law. Major Wham has not been reinstated. I will admit that this act does not compel the President of the United States to reinstate him, but I believe this act passed practically with the unanimous approval of both branches of Congress.

Mr. COCKRELL. Will the Senator permit me one word, as I happen to be familiar with the case?

Mr. TELLER. Certainly.

Mr. COCKRELL. The act referred to left it entirely in the discretion of the President to do just as he saw proper.

Mr. TELLER. If the Senator had been listening to what I said, he would have noted that I said the same thing. I did not claim that the President was obliged to put Major Wham in the Army, but I do claim that the passage of that law was a moral reversal of the sentence of the court-martial; and I do claim that after putting this man Eagan in a place it is an indecent thing for Congress to pass a law by which Major Wham may be deprived of what we have declared he is entitled to.

I know the President of the United States does not necessarily have to put this gentleman back in the Army, but I know why he does not put him back, and that is because certain Army officers get the ear of the President. I understand the President never said he would not put him back, but he has simply not put him back. I want to leave him where he is, if I can not do any better. I should like to see him put back, and I believe those who have examined into the matter would like to see that done.

Mr. KEAN. Why would not the Senator do the same with General Eagan?

Mr. TELLER. Because Major Wham did not commit any such crime as Eagan did, and there is nothing in the record which shows that he is the same character of man as the record shows the other to be—a record that he never could dispute, a record that nothing could set aside—his own vile language, his lack of propriety, his lack of decency, and his lack of the first principles of gentility; and yet he is retired on three-quarters pay.

Mr. PLATT of Connecticut. What did Major Wham do?

Mr. TELLER. I have got the report here which shows, but I do not want to try Wham's case here. What I insist upon—and I insist that this is an elementary principle of justice and decency—is that this body has no right, without a full knowledge of all the facts, to come in here and interfere with this thing now after it has pronounced its judgment that this man was improperly treated, that justice required that he should be reinstated, and after the committee of the House of Representatives and a committee of this body reported in his favor and Congress passed the bill.

It can not be said that Congress did not understand the matter. After Congress passed that bill two years ago, I say it is not the right thing for the pending bill to contain a provision, when only a few men know what is intended by it, to do so serious a thing as that. That is why I have asked to strike out the provision or to amend it so that it shall have no retroactive effect.

Mr. President, I said that I did not want to try this man's case

here. I do not want to try it. It is not the right thing to try such a case here, and it would take a longer time than ought to be consumed during the consideration of this bill.

I have here the report of the Committee on Military Affairs of the House of Representatives, made February 10, 1898:

Mr. McDonald, from the Committee on Military Affairs, submitted the following report:

The Committee on Military Affairs, to whom was referred the bill (H. R. 4237) to enable the President to restore Maj. Joseph W. Wham, paymaster, United States Army, to duty, his former rank and status in the United States Army, submit the following report:

Maj. Joseph W. Wham, paymaster, United States Army, was court-martialed and dismissed the service, but was unanimously recommended for clemency by the court. The President commuted the sentence to suspension on half pay until 1904, date of retirement. The facts, culled from the voluminous record, are as follows:

Nearly seventeen years ago Maj. Joseph W. Wham, paymaster, United States Army, was president, and D. C. Holcomb general manager, of a mining company, in which Major Wham had invested \$17,000. The company needed funds to meet an indebtedness to one Atchinson. President Wham and General Manager Holcomb joined in their personal note to the Laramie National Bank for \$1,000, obtained that amount, and paid it to Atchinson in liquidation of the mining company's debt.

At about the time of the maturity of this note Holcomb, in his unsupported and contradictory deposition, claims that he sent the money to meet this note to Hon. Otto Gramm, State treasurer of Wyoming, and also treasurer of the mining company, to deliver to President Wham. Gramm squarely contradicts Holcomb as to this, and testifies that no such transaction occurred. Hon. M. C. Jahren, secretary of the company and city attorney at Laramie, Wyo., also testifies in denial of the assertion of Holcomb that he sent the \$1,000 or any sum to the treasurer for such purpose, or for any purpose, at any time, and that it would have been impossible for such a transaction to occur and the books of the company not show it.

Both Treasurer Gramm and Secretary Jahren testify that neither said \$1,000 nor any sum was ever paid to Major Wham, and that Major Wham is not now and never was indebted to said company in that or any other sum. Both these officers of the company squarely deny in their testimony that any such sum was ever paid as stated, and President Wham also testifies that he never received any such sum or any sum at any time or any place. Holcomb's claim, which was not made for nearly ten years after the alleged transaction, is therefore unsupported except by his own contradictory deposition, and opposed to this are the denials of State Treasurer Gramm, Hon. M. C. Jahren, secretary of the company, and President Wham, all of whom are corroborated by the books of the company.

Holcomb asserts that he has lost certain letters from Treasurer Gramm and President Wham, which would show that they received the \$1,000, as he claims. Holcomb's testimony upon this point, that he sent this money from Peoria, Ill., to Gramm, at Laramie, Wyo., having been definitely and squarely denied by the treasurer, the secretary, and the president of the mining company, and verified by the books, could easily have been corroborated, if it were true, by producing the books of the express company, the express company's receipt, or the receipt for the registered letter, or the stub of the check, or the check itself, which would necessarily bear Major Wham's indorsement.

Mind you, none of these things were presented.

The complaint on which the judgment was rendered in the civil suit set up that the claim on which the judgment was based was an accommodation note which Holcomb had had to pay for Major Wham, whereas Holcomb, in his unsupported and contradictory deposition, claims that it was for \$1,000 of corporate money. It is hardly necessary to add that any court of justice on appeal would have reversed this judgment.

The case had been pending for a long time, and at last hurried to trial, when Major Wham was at Tucson, Ariz., almost across the continent. Major Wham, according to his own testimony, received no notification whatever of the date of trial of the civil suit in New York. But granting that the claim of the prosecution is true, i. e., that a telegram was sent two days prior to trial, when it required five days to get to New York, thus leaving Major Wham three days less time than was absolutely necessary in which to reach that city. Major Wham could therefore not be present, and made no defense—

Remember that Major Wham says he did not know there was any trial going on—

owing to a controversy with his attorney relative to the attorney's demand for the payment of what Major Wham deemed an exorbitant bill, rendered before trial, for nearly 60 per cent of the amount involved.

The report clearly shows that if the complainant, Holcomb, had caused execution to issue and proper civil effort to be made, instead of delaying for months and then asking the War Department to enforce the payment of a questionable civil claim, he could easily have enforced payment. The judgment was obtained in June, 1890. Had he levied upon Major Wham's property at any time during that year, he could have secured his money. It is in evidence, and not rebutted or denied, that from 1890 to February, 1891, when the Arizona floods wiped out Major Wham's property, there was plenty of available assets upon which to make this judgment; after which, by the act of Providence, the property of Major Wham was swept away and he was left with nothing but his Army pay, nearly 90 per cent of which went to creditors.

Finally, to pile Pelion on Ossa. Put on one end of the scales of justice the complainant's wholly unsupported and contradictory testimony, and on the other the testimony of Hon. Otto Gramm, State treasurer of Wyoming and lessee of the Laramie rolling mills, a most reliable and responsible business man, and the testimony of Hon. M. C. Jahren, city attorney of Laramie, Wyo., and Major Wham, who had correctly accounted for millions of public funds. Now, add to this the abrogation on both trials of the rule of law requiring a fact to be proven by the best evidence, which, in this case, is the express receipt or record, registered receipt or letter, or check, which would necessarily bear Major Wham's indorsement, and we are unable to see how any earthly power could make Major Wham's vindication clearer. It certainly has been axiomatically proven if not demonstrated that Major Wham did not owe this money.

Major Wham was suspended because he did not pay this debt.

That this fearful injustice to a gallant soldier of the great Republic may be speedily corrected and a great wrong righted, the committee concur in the recommendation of the Secretary of War for the passage of the bill. The Secretary's report, hereto attached, after stating that he had "devoted considerable time to the consideration of the case," concludes as follows:

"It is true that the unexpired portion of the sentence could be remitted by the President and he could be restored to duty, but, in my opinion, this would not be a full measure of relief to him, and I therefore recommend legislation for his relief."

The Secretary of War in his report also says that Major Wham's "record

during the war was a brilliant one," and, judging from the following testimonials, his record as a paymaster has been no less brilliant:

"Major Wham, while serving under me in the Department of the Atlantic, performed his duties in a courteous and satisfactory manner, promptly and most excellently. There were none better.

"Very truly, yours,

"DANIEL MCCLURE,
Colonel, Retired."

"During the period of Major Wham's service under my command in the Department of Arizona he performed his duties in a prompt, courteous, and satisfactory manner.

"ALEXANDER McDOWELL MCCOOK,
Major-General, Retired."

"Major Wham, paymaster, United States Army, while stationed at my headquarters in 1892, attended promptly, courteously, and satisfactorily to his duties.

"W. P. CARLIN,
Brigadier-General and Brevet Major-General, U. S. A., Retired."

Brig. Gen. E. S. Otis, now commanding Department of Colorado, and the last department commander under whom Major Wham served, at the conclusion of an extended letter, says: "His (Major Wham's) services were discharged promptly and satisfactorily."

Attached is a recommendation for the Congressional medal of honor on two distinct occasions, by Major-General Kimball, Major Wham's division commander during the war, and by Maj. Gen. D. S. Stanley, United States Army, for bounding over the works at Franklin and going to the rescue of a fallen comrade, and a few days later at Nashville, Tenn., planting the colors of Grant's old regiment first on Montgomery Hill, the apex of the Confederate position; also a recommendation for promotion to Paymaster-General, signed by the entire Illinois delegation, irrespective of party, and C. T. Christiansen, manager Drexel, Morgan & Co.; Rev. William Hays Ward, editor of the Independent, and Gen. Horace Porter.

Mr. President, if this was the place for the trial of this matter all these proofs could be brought up, but there is no reason on the face of the earth why Major Wham should be put on trial here, and there is no reason under the sun which can be given why there should be any attempt here to legislate him out of the present condition in which he stands, which is unfortunate enough, God knows, for a brave and generous soldier.

WAR DEPARTMENT, Washington, January 19, 1898.

SIR: I have the honor to return H. R. 4237—

That is the bill which became a law—

"To enable the President to restore Maj. Joseph W. Wham, paymaster United States Army, to duty, his former rank and status in the United States Army."

Major Wham was tried by general court-martial and sentenced to be dismissed the service, which sentence was mitigated by the President to suspension on half pay from rank, duty, and all privileges until January 18, 1901, his name to be placed at the foot of majors in the Pay Department. I inclose a copy of the report of the Judge-Advocate-General made to me on the 26th of August, 1897, in which he reviews the proceedings in the case.

The charge against Major Wham, upon which he was tried, grew out of a transaction in relation to a mining company which involved the payment of a note amounting to \$1,000. It was entirely a private transaction between individuals, and had no relation to any matters connected with the military service, except as it affected his conduct as an officer of the Army.

I have devoted considerable time to the consideration of this case, and am not convinced from the testimony that Major Wham was so culpable as to warrant his dismissal from the service or even his punishment in the degree to which it was mitigated by the President. He was careless and negligent of his own interests in not submitting a defense to the charge against him, the case going to a verdict upon the testimony of the prosecution.

We know from Major Wham's statement—and there is no proof that is worthy of any consideration to the contrary—that this officer did not know that the case was to be tried until after judgment had been rendered.

Mr. SPOONER. Where was the case tried?

Mr. TELLER. In New York.

Mr. SPOONER. Was he represented by counsel?

Mr. TELLER. He must have been, or else there would not have been any judgment to the contrary. He had an attorney with whom he had a quarrel, and the attorney did not attend to the case. That is the fact about it, as I understand.

From papers filed by Major Wham it appears that he lost considerable money in ventures in which he engaged, especially as to two ranches which he attempted to make productive or profitable, and was without means to meet his indebtedness. His record in the Army during the war was a brilliant one.

It is true that the unexpired portion of the sentence could be remitted by the President and he could be restored to duty; but, in my opinion, this would not be a full measure of relief to him, and I therefore recommend legislation for his relief.

Very respectfully,

R. A. ALGER,
Secretary of War.

That is addressed to the Hon. JOHN A. T. HULL, chairman of the Committee on Military Affairs of the House of Representatives, and it is the report of that committee, which was a unanimous report, that I am reading.

Mr. President, this section, if it is allowed, will enable the influences at the Department that are opposed to the Major and hostile to him to put another indignity upon him, which he does not want and which his friends do not want. I did not expect that this matter was to come up. The junior Senator from Illinois had it in charge and not myself, and he is specially interested in it. When I get through I am going to ask that this go over until tomorrow. I did not ask that before because I did not want to delay.

Mr. PETTIGREW. Will the Senator yield to a motion to adjourn?

Mr. TELLER. I will, of course.

Mr. PROCTOR. Let the Senator from Colorado finish.

Mr. TELLER. Or I will finish the reading of this, but I do not want it acted upon and I do not intend that it shall be acted upon to-night. Now I wish to read a letter from Nathan Kimball:

OGDEN, UTAH, October 24, 1893.

SIR: I had the honor to command the First Division, Fourth Army Corps, Army of the Cumberland, at the battle of Nashville, on the 15th and 18th days of December, 1864, and in the capture of Montgomery Hill on the 15th, containing 12 Napoleon guns—the apex of the rebel position. The Twenty-first Illinois Veteran Volunteer Infantry was in the rear line of battle when the charge was ordered.

That it was in the front line when the hill was captured; that during the charge the color-bearer of that regiment was severely wounded, and that Sergt. J. W. Wham took the colors, carried them forward, and planted them upon the works; if not absolutely the first to be planted, they were certainly very nearly so. And I earnestly recommend that for this gallant act he be awarded the Congressional medal of honor.

Very respectfully,

NATHAN KIMBALL,
Late Brigadier and Brevet Major-General,
Commanding First Division, Fourth Corps, Army of the Cumberland.

HON. SECRETARY OF WAR,
Washington, D. C.

Here is another by the same officer:

OGDEN, UTAH, October 24, 1893.

SIR: I had the honor to command the First Division, Fourth Army Corps, Army of the Cumberland, in the battle at Franklin, Tenn., on the 30th day of November, 1864. The Twenty-first Regiment Illinois Veteran Volunteer Infantry was in my division and took a prominent part in that battle. The regiment was noted for its daring gallantry.

My attention is called to the daring and gallant act of Sergt. Joseph W. Wham, afterwards first Lieutenant of Company G, Twenty-first Illinois Infantry, who, at the risk of his own life and in the face of a close and direct fire from the enemy at short range, jumped over the breastworks to the rescue of his comrade, James Hillham, who had been shot and fell outside of our lines. Sergeant Wham lifted him up and carried him inside of our lines.

For this daring and successful act in going to his comrade's rescue I with pleasure do earnestly commend him to the favorable consideration of the Secretary of War, and recommend that a medal of honor be granted him.

Very respectfully,

NATHAN KIMBALL,
Late Brigadier and Brevet Major-General,
Commanding First Division, Fourth Corps, Army of the Cumberland.
The SECRETARY OF WAR,
Washington, D. C.

Mr. PLATT of Connecticut. May I ask the Senator from Colorado a question?

Mr. TELLER. Certainly.

Mr. PLATT of Connecticut. I understood him to say that the sentence of the court-martial was that Major Wham should be suspended, until the time of his retirement, on half pay.

Mr. PROCTOR. He was sentenced to be dismissed.

Mr. TELLER. But the court unanimously recommended him to the mercy of the President. Then the President mitigated it in that way.

Mr. PLATT of Connecticut. If the President should retire him he would get three-fourths pay.

Mr. TELLER. He does not care whether he gets three-fourths pay or full pay. He feels that there has been an injustice done him, and so do his friends. It is not a question with Major Wham of dollars and cents. He is not putting his character and his honor up for sale in that way. All he wants is that he shall be let alone; and if the President of the United States does not see fit to reinstate him, he wants to stand upon this record that he made here. He does not believe, nor do I believe, nor do any of his friends believe, that that indignity ought to be put upon him, as we believe it would be if this bill passes. Otherwise this particular provision of the bill would not be insisted upon as it is being insisted upon.

GOVERNOR'S OFFICE, UNITED STATES SOLDIERS' HOME,
Washington, D. C., November 1, 1893.

I certify that I know Capt. Harrison Black, and also know Capt. James W. Duncan, late of Twenty-first Illinois Volunteers, and that I am intimately acquainted with Nathan Kimball, late brigadier-general, brevet major-general of volunteers, and I have the fullest confidence in their statements of the bravery and gallantry of Sergeant Wham, now Major Wham, at the battles of Franklin and Nashville, and I do hereby recommend him for the medal of honor.

D. K. STANLEY,
Brigadier-General and Brevet Major-General, U. S. A.

I wish to say that if the senior Senator from Illinois [Mr. CULLUM] were here he would relieve me of any of this duty, and probably the junior Senator from Illinois [Mr. MASON] would also, although I might have said something in defense of the Major on my own behalf, because I have a very strong feeling that he has been badly treated and is being badly treated, and is liable to continue to be badly treated.

I am not going to read all of what follows, but here is a petition from people in Illinois. It is signed by a large number of members of Congress and members of the legislature and State officials to the extent, I should say, of thirty or forty. I wish to read what it says. I will not undertake to read the names, but I will say that there are the names of a great many members of Congress whom I have known. Some of them are still in the public service and some of them are out. HOPKINS is here, CANNON is

here, MASON was a member and is now a Senator, CULLOM is in this body. They signed this petition:

SPRINGFIELD, ILL., January —, 1890.

To the PRESIDENT:

We most earnestly ask the appointment of Maj. J. W. Wham, paymaster, U. S. A., as Paymaster-General of the Army. He was a soldier in Grant's old regiment, and participated with that regiment in thirteen battles.

Years after, when the young and stalwart soldier had reached mature manhood, and had been intrusted with many responsibilities by his old colonel, who, meantime, had won the highest honor of earth (President of the great Republic), was, finally, March 3, 1877, honored by him with the appointment of paymaster, which was probably the last official act of the great commander's illustrious career.

Immediately after the battle of Stone River a Department order was issued requiring five privates to be selected "who were most distinguished for bravery, enterprise, endurance, soldierly conduct, and skill in the use of arms." Private Wham was one of the men selected. At Franklin he charged over the works and, amidst the most terrible battle of modern times, went to the assistance of a fallen comrade. At Nashville, a few days later, in the charge on Montgomery Hill, his regiment started in the rear line of battle, swept to the front, and its colors were the first planted on the apex of the rebel position, placed by him, though not of the color guard; and recently among the lonely mountains of Arizona when attacked by banditti he defended his trust until his little escort had sustained the heaviest casualty list ever historically reported, every soldier but one who remained with him in the vicinity of the treasure box being wounded.

I desire to say that some of his enemies around the War Department have attempted to make it appear that in this action this man, who rendered such service in the war, showed the white feather; but it is not true.

Mr. SPOONER. Will the Senator allow me to say a word?

Mr. TELLER. Certainly.

Mr. SPOONER. I was chairman of the Committee on Claims when the bill was introduced to reimburse Major Wham for the money he lost on that occasion. He was overwhelmed. I gave the whole transaction very careful investigation and reported in favor of the bill, and it passed both Houses of Congress.

Mr. TELLER. Did the Senator find anything discreditable?

Mr. SPOONER. On the contrary, we found that he did everything that could be expected of a brave man having in charge funds of the Government.

Mr. TELLER. I am very glad the Senator has said that, because it saves my taking up that phase of the case. The case was examined by the proper committee, and it was found that he was not to blame, and, as was said, we paid the money. I will not waste any time on that point.

It was such yeoman service as this which kept our flag in the air and our nation on the map of the world.

There can be no just comparison of such service with that rendered in the safe and comfortable seclusion of an office located far from the sound of battle.

Every cent of the vast amount intrusted to him for disbursement has been properly accounted for.

That is signed by the adjutant-general of Illinois, captains, colonels, members of the House, members of the Senate, or those who are now members; and I think that makes a case. I will say nothing more until I have heard from the committee. If the committee have any defense for this proceeding I want to hear it.

Mr. PROCTOR. I move that the Senate adjourn.

Mr. CARTER. I trust the Senator will withhold that motion for a moment.

The PRESIDENT pro tempore. Does the Senator from Vermont withhold his motion?

Mr. PROCTOR. I do.

Mr. CARTER. Mr. President, it is manifest that this bill, with all pending amendments, can be now disposed of within some reasonable time. The debate has gone along from day to day with considerable indulgence and with very little method. It does not appear that any Senator desires to address himself formally to the provisions of the bill. Some criticisms are being made from time to time with reference to certain provisions and amendments proposed, but I do not know of any Senator who is preparing a speech which he desires to deliver at some future time. I think it must be obvious to all Senators that it is the duty of this body to dispose of the bill at the earliest practical date.

We have, I think, in the Pacific eight well-fitted transports for troops. Those transports, if started at an early date in the work of transporting to the Philippines the troops which we hope to have raised under the bill, according to its provisions, and then in bringing back volunteers, may, without the employment of special transports under contract, complete the work of substituting new recruits for our army in the Philippines before the 1st of July. If, on the other hand, we delay the passage of this bill, it is quite probable that we will be compelled, in order to have substitutes for the volunteers and regulars entitled to discharge on the 1st of July, to employ special transports.

It is not in the per diem allowed for the special transports that so much expense will be incurred, although each transport usually costs a large sum per day, but in the fitting up of the transports to carry the men and their provisions great expense will be incurred. I do not believe it is overstating the mark to say that each day's delay in the passage of the pending bill will involve an additional expense upon the Government of at least \$500,000.

Mr. COCKRELL. That would have a great deal of influence if said right at the beginning of the session of the Senate, when everybody could hear it, but when only a few are here I am afraid it will not have its weight.

Mr. CARTER. I trust it will have its weight with those who are here, although the suggestion of the Senator from Missouri is very pertinent, there being but a few Senators present. My idea was at this time to ask unanimous consent for the fixing of an hour or a day when a vote shall be taken.

Mr. PLATT of Connecticut (to Mr. CARTER). Ask it to-morrow morning.

Mr. CARTER. But in view of the suggestion of the Senator from Missouri, I will defer making the request until to-morrow morning.

Mr. TELLER. I want to say a word about fixing a time. I will not agree, so far as I am concerned, to fixing a time. If the Senator wants to meet here at 11 o'clock or 10 o'clock, or to stay at night, I will be with him; I will not make any fuss.

Mr. PLATT of Connecticut. Let us adjourn until 11 o'clock.

Mr. TELLER. I do not care what you do about that.

Mr. ALDRICH. Let us adjourn till 11.

Mr. TELLER. I am opposed, on a bill of this kind, to putting the time for voting down to a day certain. If this is a pressing case, let the party that controls the Senate fix the time for the debate and let the debate go on.

Mr. CARTER. If the Senator desires to put it upon a purely partisan basis, the party in the Senate is in charge of the Senator from Colorado if he desires to obstruct the passage of the bill.

Mr. TELLER. That is a gratuitous insult on the part of the Senator. He knows I do not intend to obstruct this bill.

Mr. CARTER. I merely suggested that the Senator's remark—

Mr. TELLER. I said I am willing to come here.

Mr. CARTER. I merely suggested that the Senator's remark as to its being a party measure ought not to have been made.

Mr. TELLER. It is a party measure, Mr. President.

Mr. CARTER. It is a national measure, Mr. President.

Mr. SCOTT. It is a patriotic measure.

Mr. CARTER. It is reported here by the unanimous report of a committee composed of members of both political parties.

Mr. TELLER. I do not care how it is reported.

Mr. CARTER. I care how it is reported. It is the best effort that could be made upon a scientific basis to present a bill for the reorganization of the Army of the United States; and if the Senator from Colorado desires to make of this bill a partisan measure pure and simple, and to discuss it from that basis, he will, I think, have difficulty in getting a following in this Chamber.

Mr. TELLER. I have not discussed it for a single moment from a partisan standpoint; but if the party in power here feel that this is so urgent, then let them change the hour of our meeting. That is all I said. I will not retort to the Senator from Montana—

Mr. CARTER. There is nothing to retort to.

Mr. TELLER. I will simply say that I have spent not a minute, nor has anybody else on our side who is opposed to the bill, on the reorganization. We have yielded that. What we have been complaining about and what we object to is the great Army that you are creating. I have said nothing about the reorganization. The two things are different, and because this is a good bill for reorganization the Senator is not going to close my mouth. He is not going to frighten me by saying it will cost \$500,000 a day or \$5,000,000 or any other sum.

If we adopt this policy, it will cost millions and millions when I am dead and gone, and when he is, and our children and grandchildren are dead and gone. I propose to debate it not from a political standpoint, as the Senator says, and my reference to partisanship was simply that his party have the power, they can fix the time, and if they think there is unnecessary delay, which they have no right to say, because there has not been. To-day your side has taken as much time as the other side, surely. They may fix the time to come here at 9 o'clock in the morning, if they want to, for all I care.

Mr. CARTER. In conformity with the suggestion of the Senator, I move that when the Senate adjourn to-day it be to meet at 11 o'clock to-morrow morning.

Mr. PETTIGREW. I move that the Senate adjourn.

The PRESIDENT pro tempore. The Chair desires to lay before the Senate certain bills from the House. Will the Senator from South Dakota withdraw his motion?

Mr. PETTIGREW. I withdraw it for that purpose.

AUGUSTUS R. ROLLINS.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 3642) restoring the pension of Augustus R. Rollins, alias Rhenault A. Rollins, which was to amend the title so as to read "An act granting a pension to Augustus R. Rollins, alias Rhenault A. Rollins."

Mr. GALLINGER. I move that the Senate concur in the amendment of the House of Representatives.
The motion was agreed to.

SAMUEL DORNON.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 3342) granting a pension to Samuel Dornon, which was in line 8, to strike out all after "month" down to and including "receiving" in line 9.

Mr. GALLINGER. I move that the Senate concur in the amendment of the House of Representatives.
The motion was agreed to.

ELIZA L. REESE.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 2729) granting a pension to Eliza L. Reese.

Mr. GALLINGER. I move that the Senate nonconcur in the amendment and request a conference with the House on the disagreeing votes of the two Houses thereon.

The motion was agreed to.

By unanimous consent the President pro tempore was authorized to appoint the conferees on the part of the Senate, and Mr. GALLINGER, Mr. SHOUP, and Mr. TALIAFERRO were appointed.

JAMES A. THOMAS.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 2432) granting an increase of pension to James A. Thomas.

Mr. GALLINGER. I move that the Senate nonconcur in the amendment and request a conference with the House on the disagreeing votes of the two Houses thereon.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate, and Mr. GALLINGER, Mr. SHOUP, and Mr. TALIAFERRO were appointed.

AMERICUS V. RICE.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 3890) granting an increase of pension to Americus V. Rice.

Mr. GALLINGER. I move that the Senate nonconcur in the amendment and request a conference with the House on the disagreeing votes of the two Houses thereon.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate, and Mr. GALLINGER, Mr. QUARLES, and Mr. KENNEY were appointed.

GEORGE G. KEMP.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying paper, referred to the Committee on Pensions:

To the Senate of the United States:

In compliance with a resolution of the Senate of the 8th instant (the House of Representatives concurring), I return herewith the bill of the Senate No. 1236, entitled "An act granting an increase of pension to George G. Kemp."

WILLIAM MCKINLEY.

EXECUTIVE MANSION, January 14, 1901.

Mr. PROCTOR. I move that the Senate adjourn.

The PRESIDENT pro tempore. The Chair recognizes the Senator from South Dakota.

Mr. PETTIGREW. I withdraw my motion.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Vermont, that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, January 15, 1901, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, January 14, 1901.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of Saturday's proceedings was read and approved.

REPRINT OF PUBLIC ACTS.

Mr. CURTIS. Mr. Speaker, I ask unanimous consent that there be a reprint of public act No. 185 and public act No. 4—5,000 copies.

The SPEAKER. The Clerk will read these two numbers by their titles, so the House may know what it is.

The Clerk read as follows:

Public No. 184 (July 6, 1900), an act to ratify an agreement with the Indians of the Fort Hall Reservation, in Idaho, and making appropriations to carry the same into effect.

Public No. 4 (January 4, 1901), an act making appropriation to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1901, and for other purposes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and the order is accordingly made.

REPORT OF POSTAL COMMISSION.

Mr. LOUD. Mr. Speaker, I desire to present to the House the report of the Joint Postal Commission appointed under act of June 30, 1898, to investigate the question of railway mail pay and the postal service generally. I ask that the same be printed; and further ask unanimous consent that Senator CHANDLER, who is absent, may be permitted to file his views within twenty days, if he so desire.

The SPEAKER. The Chair would ask the gentleman from California if a bill accompanies the report?

Mr. LOUD. There is no bill, Mr. Speaker, accompanying the report.

The SPEAKER. The gentleman from California submits the report of what is known as the Postal Commission, and asks that it be printed, and that Senator CHANDLER have twenty days to file his views. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

ORDER OF BUSINESS.

Mr. BURTON. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the river and harbor bill.

The SPEAKER. The gentleman from Ohio moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the river and harbor bill.

Mr. BABCOCK. I ask the gentleman from Ohio to withhold that motion for a moment, until I can make some arrangement for District business, this being District day.

Mr. BURTON. I yield to the gentleman's request.

Mr. BABCOCK. The District Committee, Mr. Speaker, does not desire to interfere with the appropriations or the business of the House, and would ask that it may be in order to call up District business next Monday, subject to any matters that may come up under suspension of the rules.

The SPEAKER. Pending the motion of the gentleman from Ohio, the gentleman from Wisconsin, chairman of the Committee on the District of Columbia, asks unanimous consent, this being District of Columbia day, that a week from to-day be set apart for the consideration of matters from the District Committee, subject to matters called up under suspension of the rules. Is there objection? The Chair hears none, and that order is made. The question is on the motion of the gentleman from Ohio, that the House resolve itself into Committee of the Whole.

The motion was agreed to.

RIVER AND HARBOR APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. HOPKINS in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union, pursuant to the direction of the House, and the Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 13189) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The CHAIRMAN. The gentleman from Massachusetts is recognized.

Mr. LAWRENCE. Mr. Chairman, I protest against appropriations for great national projects which will confer great national benefits being charged to the account of individual States. During the debate upon the pending bill attention has been called to the large appropriations which will go to certain States. It has been said that Massachusetts will receive a large sum by the provisions of this bill. I wish to say that a very large proportion of the amount appropriated for Massachusetts items is for the improvement of Boston Harbor. Does anyone contend that Massachusetts is to be benefited exclusively from such an expenditure? Less than 10 per cent of the cargoes carried from Boston Harbor by our great steamers consists of local shipments from the city of Boston. More than 90 per cent comes from the West and the South. This proposed improvement will aid the producers of the whole country and be a national benefit. It is largely the great increase of our export trade which has brought prosperity to our people and happiness to our homes. We want to increase our export trade. If we are to control the markets of the world we should make every effort to put our goods into those markets at the lowest possible price. Therefore diminution of the cost of transportation becomes a factor of great importance. It is the increase in the size of our steamers which has brought about a decrease in the cost of transportation, and it is because of such increase in size that our harbors must be provided with wider and deeper channels.

Twenty-five years ago steamers sailing from our Atlantic ports were of 2,500 tons weight, from 300 to 400 feet long, and drew from

18 to 20 feet of water. Then the rates of freight were from 16 to 20 cents a bushel for grain and other freight in that proportion.

Ten years passed by and the steamers were of double the size, with a capacity of 5,000 tons weight. Rates of freight were reduced 50 per cent. Instead of 16 to 20 cents a bushel for grain, the rate was from 8 to 10 cents. To-day there are steamers of over 10,000 tons weight, over 600 feet long, and drawing 32 feet of water. As a direct consequence, freight rates were again reduced and are to-day one-quarter of the rate which existed in 1875, so that grain can be shipped to Liverpool at 5 cents per bushel. The producers of cotton in the South pay from 50 cents to \$1 per bale instead of from two and one-half to three dollars. The cost of transportation for cattle, provisions, and all kinds of freight has been decreased in proportion. If we have a great surplus of grain, the prices we get for the surplus fixes the price for the whole crop. It needs little argument to show that it is the producer who gets the benefit of a decrease in the cost of transportation. It is in the interest of the whole people that Boston be made a port of the first class. It is 180 miles nearer Liverpool than any of the ports of the South. There are no terminal charges, and freight is taken from the car to the ships as cheaply as it can be done anywhere.

It can not be truthfully said that partiality has been shown to the port of Boston. Since 1825 about \$4,000,000 has been appropriated by the General Government, while the State itself has expended nearly \$3,000,000 in supplementing that work. The last river and harbor bill carried an authorization of \$7,000,000 for New York. Six or seven millions have been expended at Philadelphia, over five millions at Savannah, and over eight millions at Galveston. I do not mention these appropriations because we begrudge them. They were made to aid in the development of the commerce of the whole country, and Massachusetts has shared in the benefit. More than \$40,000,000 have been expended upon the Great Lakes. Who can overestimate the benefit the people of this country have received in dollars and cents. The appropriations in the pending bill for the West Nebish Channel and the Detroit River, for the harbors at Cleveland and Buffalo, should not be charged to the account of any locality. Part of those appropriations should be charged to Massachusetts. It is for our advantage that the marvelous tide of commerce now sweeping across the Great Lakes should grow greater and greater, and it is for the interests of that region that Boston should be supplied with the channel facilities of a harbor of the first class.

The amount of this appropriation is not large when the importance of this port is considered and the volume of business transacted. The tonnage is large, and the imports and exports for the year ending June 30, 1900, amounted to \$184,500,000, and the amount of revenue collected in that year was \$18,871,848. The present depth of the channel in Boston Harbor is but 27 feet. As the steamers are steadily increasing in size and draft, a depth of 35 feet is necessary to afford safe ingress and egress. The resolution in the emergency river and harbor act called for channels 2,000 feet wide. The project has been modified so that the width in the outer harbor shall be 1,500 feet and in the inner harbor only 1,200 feet. This was done because of the great increase in cost caused by the underlying ledges which occur irregularly all over the harbor. Such channels are not as wide as was wished, but it is believed they will make Boston Harbor a port of the first class and enable it to take rank with the great seaports of the world. I ask the House to vote for the appropriation recommended by the committee because it is just and right.

And now a word about some of the other Massachusetts items. There is an appropriation of \$200,000 for the harbor of refuge at Sandy Bay, situated at the extremity of Cape Ann, which has been called the Hatteras of the New England coast. Surely it can not be said that this project is for the exclusive benefit of Massachusetts. Seventy thousand boats passed that point in a single year. You remember the ill-fated *Portland*. She went down with every soul on board. The keeper at Thatcher Island light saw the *Portland* off Cape Ann that dreadful night. She could have been saved with the 200 people on board had this harbor been completed. Well do the engineers in their report speak of it as a great national harbor of refuge. There is an appropriation of \$150,000 for the harbor at Fall River. Fall River is the largest cotton manufacturing city of the United States. The commerce amounts to over \$130,000,000 a year. It certainly is wise legislation and in the interest of all the people to aid the development of so great a commerce. One other appropriation I will mention, that for Gloucester. The Government has started the construction of a breakwater, to complete which would have taken about \$600,000. We have authorized the completion of a modified project, at a cost of \$302,000. It was necessary that this should be done. Thirty-one boats have been wrecked upon that submerged breakwater. In its present condition it is a constant menace to human life and to property. The committee could do nothing else but order its completion. The other Massachusetts items were carefully considered by the committee. If there is one which can not stand the test of merit, let it go out of the bill. I do not fear the closest scrutiny. I invite it.

The Committee on Rivers and Harbors has striven earnestly and tirelessly to construct a bill which would be fair to all sections and aid in the development of the commerce of the whole country. In our committee room political lines have not been drawn. Sectionalism has had no part. I know Massachusetts would have been treated fairly if the consideration of its items had been left to the Southern Democrats, who represent the minority upon the committee. General CATCHINGS, of Mississippi, who was for two terms its chairman, has made a reputation for fairness. His retirement from Congress is a loss, not alone to his section, but to New England. It has been said that large appropriations go to Ohio. If so, it is because such appropriations are proper and right. I believe with perfect sincerity that the chairman of this committee would turn down a project without merit from his own State more quickly than one from any other part of the country. He has the confidence of his committee for the very reason that he has the confidence of the House, because he is able, because he is patient and thorough and honest and fair. The committee's task was not an easy one. The engineers have recommended projects which call for expenditures of \$400,000,000. This bill provides for an expenditure of \$60,000,000. The committee has done the best it could. It has tried to be fair. I believe its bill will be indorsed by the House and receive the approval of the country.

The CHAIRMAN. The gentleman from Ohio [Mr. GROSVENOR] is recognized for ten minutes.

Mr. GROSVENOR. Mr. Chairman, I do not rise to discuss the general features of this bill. On one of the days of this debate, during the progress of the speech of the gentleman from Washington [Mr. CUSHMAN], I thought certain language of his could be interpreted to convey a meaning which I felt sure at the time he did not mean to convey, and observing, as I thought, that he was entirely master of the questions that he was debating, I sought to call his attention to what I believed to be a misunderstanding in order that he might correct himself if I was right, for I could not believe that he intended to make the statement which I understood him to make. I have had furnished to me by the official reporter the language of the gentleman to which I refer, and which I will have placed in the RECORD with my present remarks:

Now, I wish to call attention to one or two items of appropriation that have been made on the Columbia River. In the first place, there has been expended between the city of Portland and the Columbia River \$160,000 at one time, \$155,000 at another time, \$190,000 at another time, and the present bill increases the amount to about \$300,000. Now, the Chief of Engineers of the United States Army makes some statements regarding the expenditures at the mouth of the Columbia River. In the first place, the former appropriations for the mouth of the Columbia River have been about \$2,225,000. When they started in spending money on the mouth of the Columbia River they had 31 feet of water. After they had spent three-quarters of a million of dollars they took another sounding and they then had 23 feet of water. Then they spent three-quarters of a million more, and now they have 24 feet of water. The question now resolves itself into one of arithmetical proportion. If we have spent over \$5,000,000 between the city of Portland and the sea to produce a deep channel and we have 7 feet less water now than we had when we started, how much water shall we have when we have spent \$5,000,000 more?

Now, all over this State of Oregon you will find appropriations made. Gentlemen have said that they must be guided to a certain extent by the recommendations made by the Chief of Engineers. I make the statement on the floor of this House that in one locality in the State of Oregon they got 140 per cent of what was recommended. [Laughter.] I am perfectly willing to have anybody deny that statement if it is not true.

Mr. MONDELL. Will the gentleman allow me a question?

Mr. CUSHMAN. Certainly.

Mr. MONDELL. I understand there was a project which was recommended by a former Congress and an appropriation provided for it which would have made possible the navigation of the Snake and the Upper Columbia, thereby giving the people of Idaho and Washington and the adjacent States some benefit from the great appropriations that have been made at the mouth of the river. What did the committee do with that project?

Mr. CUSHMAN. Ah, exactly; that is the very proposition that I have been talking about, which is the amendment that we have been trying to get for twenty-five years at The Dalles. Up to the present time all this money has been expended between Portland and the sea and benefits Portland only, because the river above Portland is absolutely impassable. They have spent \$5,400,000 at the present time down here, which makes \$54 for every man, woman, and baby in the city of Portland, Oreg., and the only commerce that benefits is the commerce directly between Portland and the sea. The people who reside up here [referring to the map] have to ship their grain by rail down to Portland. The railroad companies charge them as much, or practically as much, for transporting it from eastern Washington to Portland or the Columbia River as they do for transporting it from this point 2,000 miles east to the city of Chicago. It has been the dream of the farmers of that region for forty years to be permitted to load their wheat on barges in the Columbia River and take it down to market the cheapest way to carry their products to market, and every time any man has gone over into that country he has promised that the next Congress was going to make an appropriation for the Columbia River, but when we come on the floor of the House the chairman of the committee says it sounds like one of the dreams of Jules Verne.

Mr. GROSVENOR. If the gentleman from Washington will allow me—

Mr. CUSHMAN. With very great pleasure.

Mr. GROSVENOR. If the gentleman will go a little further back in the record of the appropriations by Congress, I think he will modify his statement in regard to the failure of the appropriations for the Columbia River above the city of Portland; or, in other words, not above the city of Portland, which is not on the Columbia River, but on the Willamette River. And, furthermore, I think the gentleman will find quite large appropriations made on the Willamette River to promote the navigation up into the very valley about which the gentleman has been talking, as high up, perhaps, as Salem, in the State of Oregon. Furthermore, the gentleman will find large appropriations which were expended, with what result I can not state.

Mr. CUSHMAN. Now, I would advise you to print that speech in the RECORD.

Mr. GROSVENOR. Now, my friend, I am only trying to suggest to you—I have some pride in the former history of this committee.

Mr. CUSHMAN. Well, I have some pride in this speech, and you are destroying it.

Mr. GROSVENOR. You will find very large appropriations for The Dalles. I guess they did not do any good, but they were expended there—very large appropriations.

Mr. CUSHMAN. The Chair has advised me that I have only two or three minutes yet remaining. I think I can conclude in a very few minutes.

The portion of the gentleman's speech to which I desired to call his attention at the time, in a spirit of pure friendship and with a view that he might restate his direct purpose in some of the language which he used, is the following:

Up to the present time all this money has been expended between Portland and the sea, and benefits Portland only, because the river above Portland is absolutely impassable. They have spent \$5,400,000 at the present time down here, which makes \$54 for every man, woman, and baby in the city of Portland, Oreg., and the only commerce that benefits is the commerce directly between Portland and the sea. The people who reside up here [referring to the map] have to ship their grain by rail down to Portland.

Going forward, the gentleman made some further statements in the same direction, and then he proceeded to say, as I understood him, that candidates for Congress had "promised that the next Congress was going to make an appropriation for the Columbia River; but when we come on the floor of the House the chairman of the committee says it sounds like one of the dreams of Jules Verne."

At that point I sought to interrupt him and he informed me that there was danger that my interruption might spoil his speech, and he declined to be interrupted.

Having been myself for eight years a member of the Committee on Rivers and Harbors, and having studied the special and peculiar nomenclature of the rivers in Washington and some of the other objects of appropriation, I remember very accurately some of the appropriations that we made at that time.

Mr. SHATTUC. May I inquire what century the gentleman is referring to?

Mr. GROSVENOR. It was the century in which my friend had probably better have terminated his political career. [Laughter.]

I addressed a letter to the War Department with the view simply of making a correction, with no idea of any criticism of the gentleman; and I received from the Chief of Engineers, General Wilson, a letter which I will put in the RECORD in connection with my remarks, together with his statement of the amount of money which was expended during the time when I was a member of that committee (with the exception of a single appropriation) upon the stretch of rivers up the Columbia Valley above the mouth of the Willamette.

Now, all members of Congress are supposed to know that the city of Portland is situated on the Willamette River, and not on the Columbia, just a few miles above the mouth of that river; and I asked for the appropriations on the Willamette River above Portland, and for the appropriations on the Columbia River above the mouth of the Willamette. Here is the report:

	Date of first appropriation.	Amount.
Upper Columbia and Snake rivers, from Celilo to the Snake and up the Snake to Asotin	1872	\$284,851.92
Columbia River, at Three-mile Rapids (including \$20,000 for survey and construction of boat railway from The Dalles to Celilo Falls)	1892	29,708.51
Columbia River, at the Cascades	1876	3,697,348.26

That is one of the points above the mouth of the Willamette, and is an improvement intended to give the great navigation of the mighty Columbia River to the people of the State of Washington.

Operating and care of canal at the Cascades, Columbia River (allotments)	1896	12,948.25
Columbia River, from Vancouver to the mouth of the Willamette River	1892	94,540.98
Columbia River at The Dalles, Celilo Falls, and Three-mile and Ten-mile rapids (survey)	1888	11,830.51
Columbia River, Rock Island Rapids to Priest Rapids (including appropriation of \$10,000 for survey)	1890	61,994.80
Columbia River, Rock Island Rapids to Foster Creek Rapids	1894	8,005.20
Willamette River above Portland and Yamhill River, Oregon	1871	429,781.83
Long Tom River, Oregon (tributary of the Willamette)	1889	3,000.00
Snoke River between Seven Devils mining district and Huntington Bridge	1892	40,500.00

Making a total for the two rivers—above the mouth of the Willamette on the Columbia Valley and above Portland on the Willamette Valley—of \$4,680,510.27.

All this had been done primarily for the improvement of the navigation of the Columbia River, in the interest of developing the resources of the State of Washington; and I considered it then and I consider it now one of the most important works in the Western country.

And, Mr. Chairman, I have no doubt that, in the coming years, the full appreciation of Congress will be given to the importance

of that mighty river, and ample appropriations made for the development of it in the interest of that region of country.

I only wanted to have the opportunity of saying this, as I stated before, because on the former occasion to which I have referred, and when I made an effort to interrupt the gentleman from Washington, I was not permitted to do so. I desire now to put this on record in vindication of the reputation of the Committee on Rivers and Harbors with reference to the appropriations by Congress for this work. [Applause.]

Mr. MORRIS. Mr. Chairman, I desire the attention of the committee for a very few minutes, as I am anxious that the very distinguished and able chairman of the Committee on Rivers and Harbors shall have just as much of the time remaining as possible in which to close the general debate. I take the floor, therefore, only to call the attention of the committee to a few considerations which I think perhaps have escaped the attention of members in this discussion.

The objections to this bill, Mr. Chairman, as I have been able to gather them from the remarks of members on the floor of the House, group themselves into three distinct classes. One set of gentlemen object to the bill on the ground that it is a discrimination in favor of certain States or sections of the country and against others.

Another set of gentlemen criticize the bill on the ground that it is not broad and national enough in its character, and carries too many projects of purely local interest and importance; and still another set of gentlemen criticize it on the further ground that it does not carry certain projects which are of purely local interest and importance.

The last group of criticisms I hope may be considered as justly made. Indeed, I think, and I am glad to be able to say so, it will be found that they are more justly made as to this measure than they have been as to any other river and harbor bill that has been reported to this House for many years.

The other two groups or classes of objections, however, I desire to notice briefly, and the first is to the partiality of the committee in the distribution of these appropriations.

The other day the gentleman from Washington [Mr. CUSHMAN] made a speech here which I thought at the time had two objects in view: First, to attract the attention of the House and command its applause, by giving it amusement and entertainment if not instruction, and, second, to make a speech for home consumption which would increase the gentleman's well-deserved importance and popularity with his own people. Certainly he succeeded in the first of these objects, and nobody hopes more than I do that he will succeed in the second.

But, Mr. Chairman, the gentleman from Washington [Mr. CUSHMAN] called attention particularly to, and used as object lessons for the establishment of the propositions advanced by him, the appropriations made, as he said, for the State of Ohio, and the appropriations made for the State of Michigan.

Now, I desire to take the figures for those two States as they appear in this bill and ask the attention of the committee to them briefly. And I wish to say in this connection that these figures show that the bill, so far from providing for appropriations of local interest and importance, is general in character and is for the improvement of the great waterways and lines of travel and for the benefit of all the great interests of the country.

The gentleman spread before the House a map of the State of Ohio, with large figures displayed upon it, showing that the appropriations carried by this bill for that State exceeded \$6,000,000 in amount, and gave it as an evidence of the partiality of the chairman of the committee for his own State.

But, Mr. Chairman, the gentleman failed to notice, or, if he did notice it, failed to call the attention of the House to the fact that of the \$6,000,000 so appropriated, as he said, to Ohio—and he will find on examination this to be a fact—\$2,350,000 were appropriated for the improvement of the Ohio River alone. Surely no member of the House can claim for a moment that the improvement of the Ohio River is a local improvement or for the benefit alone of the State of Ohio.

If there is a great national highway in this country it is the Ohio River. The appropriations on this river benefit not alone the State of Ohio, but the States of West Virginia, Pennsylvania, Kentucky, Indiana, Illinois, and all those States bordering the Ohio River and the Mississippi River to its mouth.

As to the other appropriations carried for the State of Ohio, with the exception alone of Muskingum River, for which there was the paltry sum of \$10,300 appropriated, all were for the improvement of the great harbors along the southern coast of Lake Erie—Cleveland, with its commerce of more than 7,000,000 tons (let any member figure out the number of ships that it will take to carry that enormous tonnage); Ashtabula, with its tonnage of more than 4,500,000 tons; Conneaut, with its tonnage of more than 2,500,000 tons; Fairport, with its tonnage of nearly 2,000,000 tons, and other ports which might be named.

Now, Mr. Chairman, these ports along the southern coast of Lake

Erie are great gathering points for the products which come down from the upper lakes to be distributed as far east as Boston and as far south as West Virginia and Maryland; for let it be known, if it is not already known, that a very large part of the grain which comes down from the upper lakes finds its ocean port at the city of Baltimore, and the iron ore that comes down from the upper lakes finds its use not only in the State of Ohio, but also in the States of Pennsylvania, New Jersey, New York, and West Virginia.

So that these ports can in no sense be considered as local and important only to the State of Ohio. They are national in their character, and the entire country receives the benefit in decreased freight rates and in the decreased cost of the enormous quantities and myriad forms of iron and steel which are used all over the country.

And so with the grain which finds its points of shipments East, after passing over the lakes and connecting channels, at these ports. The benefit of this great waterway can in part be realized when we recollect that a bushel of wheat is carried from Duluth to Buffalo, a distance of about a thousand miles, for about one-third, and sometimes much less, of what it takes to bring a bushel of wheat from Fargo to Duluth (and there are competing railroads between these points), a distance of about 250 miles.

Now, when we come to the State of Michigan, what do we find? The gentleman from Washington exhibits here a map of the State of Michigan, with large figures marked upon it, showing, as he says, appropriations for that State of more than \$7,000,000. Let us examine these figures.

If the members of this House will call to mind the map of the United States, they will find along the northern border of Michigan what is known as the St. Marys River, between Michigan and Canada, a natural water highway connecting Lake Superior with Lake Huron. Of the \$7,000,000 and over which the gentleman mentioned, four and a half million dollars have been appropriated for this river.

If gentlemen will come a little farther down, they will find the St. Clair Flats Canal, for which in this bill is carried an appropriation of \$330,000. If they will come a little farther down they will find the Detroit River, for which is carried in this bill an appropriation, cash and deferred, of \$1,750,000.

Besides these appropriations there are two or three small appropriations for certain harbors of refuge in which the State of Michigan is not interested locally at all, but in which the great commerce of the national highway is interested as harbors of refuge for the many vessels which ply along those waters. So we find that of the \$7,500,000 which the gentleman charged to the State of Michigan, \$6,630,000 are properly chargeable to this great national waterway.

The importance of the St. Marys River can not well be exaggerated, when we consider the country to which it furnishes a means of transportation. All that country which finds its nearest lake shipping port at Duluth and Superior, including all of the States of Minnesota, North Dakota, South Dakota, Montana, Wyoming, Colorado, and even extending as far west as the State of the gentleman from Washington himself, and parts of the States of Wisconsin, Iowa, Kansas, and Nebraska.

All the products coming from this vast territory find their nearest lake shipping port at the harbors of Duluth and Superior. All the grain which comes from the great grainery of the Northwest, and almost all the iron ore from the great mines of Minnesota, Wisconsin, and Michigan, find their line of transportation along that route. And all the heavy freights going West also find their way along this same line.

So that, Mr. Chairman, there goes through this one St. Marys River in seven months of one year—mark the figures—about as much tonnage as goes through the Suez Canal, carrying the commerce of Europe and Asia, in three full years.

A few years ago Senator Davis astonished the country by saying that there was as much tonnage through that river as through the Suez Canal in one year.

Now it has gone to that point where there is as much tonnage there in seven months as goes through the Suez Canal in three years. And when we come down to the Detroit River and the St. Clair Flats Canal, we find in addition all that tonnage which finds its nearest lake shipping port at the great city of Chicago, making with that coming from Lake Superior a tonnage as great in seven months of one year, or nearly as great, as goes through the Suez Canal in five years. If you will mark off a territory fan-shaped and radiating for hundreds of miles from Chicago, you will find a part of the United States as fertile and productive as any country on earth, finding its nearest lake shipping port for its vast productions at Chicago, and contributing to the magnificent tonnage which finds its way to the East along this great waterway. Surely this is a great national commercial highway. And yet the appropriations made for this great line of water communication are charged to the State of Michigan by the gentleman from Washington.

Now, when we come to the East, what States are interested there? All those from the Lakes as far east as Maine, and as far south as Maryland. Why, Mr. Chairman, all the States of this Union are directly and indirectly interested in this magnificent waterway.

Surely, Mr. Chairman, if any figures could be produced to show the policy of this committee, and show it in such light that no man can misunderstand it, these very figures are the ones. Out of appropriations of \$6,000,000, which the gentleman from Washington [Mr. CUSHMAN] charges to the State of Ohio, only \$10,300 is properly chargeable to that State, even if that may be so charged, and out of \$7,500,000 charged by him to the State of Michigan, \$6,630,000 is properly chargeable to this great national and international waterway.

Gentlemen will be able to see how a cursory and superficial examination of figures can mislead even a gentleman of the great acuteness of the gentleman from Washington.

Now, there was also exhibited to the House, as showing the partiality of the committee, appropriations for the State of Minnesota amounting to \$210,000, and this amount was compared with the \$130,000 for the State of Washington.

The gentleman from Washington will perhaps be surprised when I say to him that at the harbor of Duluth and Superior and another harbor within 30 miles of the city of Duluth there goes in and out during the seven months of every year a tonnage more than seven times as great as goes on all the rivers of the State of Washington, leaving out the Columbia River, and on all Puget Sound put together. [Applause.]

There goes in and out at these two harbors more than 16,000,000 tons of freight; there goes out and in at the harbor of Duluth and Superior alone more than 11,500,000 tons of freight; and it is the great waterway which accommodates the commerce which finds its shipping point there and all along the upper lakes and its receiving points along the south shore of Lake Erie which we have sought by these appropriations to improve and render safe.

It seems to me that these considerations would be enough to show the House the policy on which the committee has proceeded. And what is that policy? That this Congress shall make appropriations to improve and develop those great natural highways which will develop and increase the commerce of the country and decrease the freights to the people of the country.

It is true that we did have to put in this bill a number of small streams; but if they are examined they will be found to be feeders, as it were, to the main lines. One, the port of Ludington, in the State of Michigan, has a tonnage greater than all the tonnage of Puget Sound. When they consider these figures, gentlemen will easily see what the character of the bill is. [Loud applause.]

The CHAIRMAN. The time of the gentleman has expired. The gentleman from Oregon is recognized.

Mr. TONGUE. Mr. Chairman, it was not my original purpose to address the House upon the pending bill. I should not do so now but for the strange statements and extraordinary mistakes occurring in the remarks of the gentleman from Washington. I listened to his speech, as I am sure other members of the House did, with great interest and with great enjoyment. My pleasure at the exuberance and brilliancy of its wit was only equalled by my astonishment at the extravagance of its misstatements. As production of fiction, it was certainly unique and amusing. When attempting to deal with sober reality, it was remarkable, chiefly for the great number of facts it contains that are not so.

Had the gentleman laid aside his jesting for a few minutes and condescended to answer plain questions that might have corrected some of his mistakes and explained others; had he devoted one-fourth of the time in the preparation of facts for the information of the House that he had in preparing jests for its entertainment; had he consulted the reports of the engineers with anything like the assiduity he consulted ancient editions of classic joke books, it would not have been necessary for me to reply to his remarks, and I certainly should not have desired to do so. For something like an hour and a quarter the gentleman furnished the House with a great deal of amusement, but with a remarkably small amount of instruction. It was not shown, nor did he attempt to show, that this bill contains a single appropriation for a river or harbor that is not meritorious or which ought not to be made. He has not furnished us with a single fact or reason or argument to show why an appropriation should be made for a single river or harbor not included in this bill. The speech was chiefly a complaint against the plan of the universe and the handiwork of its Creator.

It is a complaint that harbors and the mouths of rivers are located upon the seacoast and the shores of the Great Lakes. It is a complaint that North Dakota was not located upon the Gulf of Mexico or Colorado upon the shores of Lake Michigan, so that they might have rivers and harbors worthy of improvement. To complain that Illinois receives more appropriation under this bill than Iowa is to overlook the fact that the commerce of Iowa is provided for by deepening the harbors of the Great Lakes. The

commerce not only of Illinois but of Iowa, Nebraska, Wyoming, Idaho, Nevada, Colorado, and a large portion of the commerce from that vast territory stretching from Wisconsin to the shores of the Pacific, including the State which the gentleman in part represents, flows outward to find a market through the harbors of the great city of Chicago. When the gentleman would defeat this bill and obstruct those improvements which have been listed under the name of Michigan, he would paralyze the commerce of the entire northern portion of the United States, including that of the State of Washington.

A very large portion of the commerce that traverses the rivers and canals the improvements of which are listed under the State of Michigan passes by Michigan without stopping and is furnished by the two great continental railroads that have their termini in the State of Washington. Hostility to those improvements obstructs access to markets for the production of that vast territory through which runs, with its feeders, the Great Northern Railroad, which terminates at Seattle, in the gentleman's own State, and is doing more to build up the commerce of the city of Seattle and the State of Washington than any other force in existence. Hostility to these improvements is hostility to every settlement through which runs the Northern Pacific Railroad, the great railroad whose chief terminus is the city in which the gentleman resides, the city which owes its birth and growth and present greatness to the fostering care of the Northern Pacific Railroad. The complaint against the appropriation for the city of New York is well answered by the statement of the gentleman from New York [Mr. ALEXANDER], that the exports and imports passing through that great city are more than double the exports and imports of the 28 States that are not represented on the River and Harbor Committee. But these exports and imports are not for New York alone.

The great streams of commerce that pour their treasures into the harbors of New York are formed and filled by rivulets having their sources in every hamlet, in every home, in every camp, in every portion of the land, from the Atlantic to the Pacific, from the Great Lakes to the Gulf of Mexico. It is the commerce of our entire country. There is not a woodman in any forest, a plowman in any valley, a herder upon any plain who does not with every stroke of the ax, with the turning of every furrow, at every movement of his camp, contribute something to build up the great wealth of commerce that flows through the harbor of this metropolis of the United States. We can not by one stroke, in any one way, better provide for the commerce of the entire land than by suitable appropriations to deepen the harbors of the city of New York. If the 17 States represented on the River and Harbor Committee receive 75 per cent of the appropriations 80 per cent of the commerce of the entire country passes through the rivers and harbors of those States, the improvements of which are provided for in this bill.

But it is not my intention to further pursue this line of remarks. I am concerned most with an endeavor to correct some of the serious mistakes of the gentleman respecting the appropriations in which the State of Oregon and the State of Washington are directly interested. At some trouble and some expense he had prepared a map representing the North Pacific States. Upon the center of the map of Washington was written the sum of \$130,000. Upon the center of the map of Oregon was written \$2,340,500. Upon the map of the State of Idaho was written \$0,000,000. Then the gentleman turns to the House triumphantly and demands to know if it is necessary for him to say which State was represented on the River and Harbor Committee. The gentleman probably intended to convey to the House—the trend of his remarks certainly did convey to the House—the impression that the State of Washington receives through this bill appropriations amounting only to \$130,000, while the State of Oregon receives appropriations to the amount of \$2,340,500. To show how mistaken such an impression must be I need only to say that, of the sum which the gentleman charges to the State of Oregon \$2,174,000 is appropriated for the improvement of the Columbia River, which is more in Washington than in Oregon, and for the improvement of the Snake River, the navigable portion of which is wholly within the States of Washington and Idaho. This leaves only the sum of \$166,500 to be expended wholly within the State of Oregon.

Let me call your attention to the fact that the Columbia River forms a part of the boundary between the State of Oregon and the State of Washington; that it is nowhere—even for one foot of its length—wholly within the State of Oregon; that it forms the northern boundary of Oregon five-sevenths of the distance across the State. It then passes entirely within the State of Washington and extends a distance of hundreds of miles. The Snake River, that forms a part of this system of improvement, runs partly through Idaho, then entirely in the State of Washington. There is one navigable river enters the Columbia River from Oregon. Four navigable rivers enter the Columbia River from Washington, all four of which receive appropriations under this bill.

Wherever Oregon is along the south bank of the river Washing-

ton is on the north bank. For hundreds of miles Washington is on both banks of the river. There is three times as much of Washington as of Oregon adjacent to the Columbia River, tributary to the Columbia River, and whose products are within easy reach of the Columbia River. It is true—and in this particular the State of Washington is extremely fortunate—it has other outlets for its commerce to the sea, and the products of the northern portion of the State find an outlet through the waters of Puget Sound. But there is still a very large portion of the State, a productive portion of the State, a portion of the State embracing millions of acres of the finest wheat fields in the world, that has no other convenient outlet except down the Columbia River. There is a large portion of territory whose only railroad facilities are railroads that transfer their produce down the Columbia River to the sea.

I have here a picture that may interest the gentleman from Washington, clipped from the leading paper of the Northwest, and which I received yesterday, presenting in a very striking light the interests that some of the constituents of the gentlemen have in the improvement of that river. It represents 70,000 sacks of wheat at Columbus, on the Columbia River, in Klickitat County, within the State of Washington, waiting for transportation upon a ferry to be carried to the railroad on the south side of the river, to be shipped down the river, and find its way out to the sea. This one county of that State sends annually across and down the Columbia River 350,000 bushels of wheat, which has no other way of access to market, by steamboat, railroad, or otherwise. In the southeast portion of the State of Washington, in the vicinity of Lewiston, Idaho, embracing a small portion of Idaho and a very small portion of Oregon, is what is called the "Lewiston country" or "Clearwater country."

I hold a pamphlet issued by the Lewiston Commercial Club, in which it is stated that this country comprises 6,200,000 acres of land; that its only natural, logical, commercial outlet is by way of the Snake and Columbia rivers to the Pacific Ocean; that where 50,000 people now dwell it can furnish homes for 350,000 more; that it is capable of producing 25,000,000 bushels of wheat annually, and that the present wheat production of what it terms the inland empire, tributary to the Columbia, is now 35,000,000 bushels annually. I am told by the Representative from Idaho that practically the whole of the Idaho wheat production, 8,000,000 bushels annually, whenever it finds a market, travels down and out of the Columbia River. I am told by the gentleman's colleague from Washington that that portion of the State of Washington that lies to the south and east of the Columbia River and Snake River, called the "Palouse country," produces annually 20,000,000 bushels of wheat. This is practically double the amount of wheat that is annually shipped out of the State of Washington, except down and out the Columbia River. The gentleman himself states:

The upper part of the Columbia and its sister streams, the Snake and the Clearwater, drain a rich and mighty inland empire that produced this year something like 30,000,000 bushels of wheat.

In view of these facts, it is very singular to me—it was very unexpected, and I think as unexpected to the gentleman's colleagues as myself—that the gentleman should charge the appropriations for this river as an appropriation wholly for the benefit of the State of Oregon. It was a still greater surprise that the gentleman should so vigorously oppose an appropriation that concerns so deeply so many of his constituents and which will benefit, directly and indirectly, every resident of his State. Cheapen the transportation down the Columbia River for the product of the range and farm of southern Washington, and the railroads will meet the cut for like produce from the northern part of the State. The gentleman's colleagues realize this fact. In this connection it gives me a great deal of pleasure to be able to point to the attitude of two of the gentleman's colleagues, one of whom resides at the same city with the gentleman himself. These men are broad-minded. They realize that the city of Tacoma is not the State of Washington. They are broad enough, liberal enough, to represent the entire State which they have been elected to represent, and to protect the interests of all portions of their constituency.

In response to a letter written by the Portland Chamber of Commerce, asking these gentlemen to assist the delegation from Oregon and the delegation from Idaho in securing appropriations for the improvement of the mouth of the Columbia River, the Senator from Washington [Mr. FOSTER] writes:

I am in receipt of your favor with reference to an appropriation for the improvement of the mouth of the Columbia River, recommended by the Chief of Engineers. * * * I shall be very glad to continue to give careful attention to this important project, which has to do with one of the great waterways of our country. I have already consulted with General Wilson on the premises, and am quite familiar with his views.

The gentleman's colleague from the House, who resides farther in the eastern section of the State, nearer to the part of the State most benefited by this improvement, writes as follows:

You may rest assured that the whole delegation is interested in this matter, and will cooperate with Oregon and Idaho in the endeavor to secure the appropriation. Our main reliance in the matter, however, is Mr. TONGUE, who is a member of the committee, and therefore is in a position to insist

upon having the matter taken up and cared for. I have already urged the matter on several different occasions.

The Oregonian, published at Portland, Oreg., and the leading paper of the Northwest, commenting upon the river and harbor bill as reported to Congress, contains the following statement:

Let us give credit where credit is due, but let us also give credit to the Washington and Idaho delegations at Washington for the Snake and Columbia River appropriations. If these rivers flowed through Oregon, we might have less to pat ourselves on the back about.

In the next edition, when the Oregonian shall seek to give credit where credit is due, it will be compelled, I fear, to except the gentleman from Washington, upon whose remarks I am now commenting.

These gentlemen, with the Representative from Idaho, recognize that any sum expended for the improvement of the Columbia River is not a local improvement; it is not an improvement merely for the benefit of the State of Oregon; it is an improvement in the completion of which the whole of the State of Washington, the whole of the State of Oregon, and the whole of the State of Idaho are intensely interested and intensely eager to see prosecuted to completion.

I am not going to underestimate the importance of the improvement of the Columbia River to the State of Oregon. It furnishes the channel through which every pound of Oregon's commerce into other lands must ultimately pass. Its maintenance is essential to the life and commercial supremacy of the city of Portland. But while this is true, its present and continual improvement is absolutely essential to the full developments of the entire north Pacific coast.

But this representation that the improvements of the Columbia River are local to the State of Oregon is not the only serious mistake made by that gentleman. Since he is delaying so long the publication of his remarks in the RECORD, I am not able to quote what he now thinks he ought to have said, but by the aid of the notes of the official stenographer I am able to quote what he actually said. Here is a portion of his remarks:

There has always been a controversy as to where these appropriations should be made on the Columbia River. * * * The appropriations have always been made, up to the present time, on the Columbia River at the mouth of the river, between the city of Portland and the mouth. The chief appropriations, I say, have been made there. Now, I wish to call attention to one or two items of appropriations that have been made on the Columbia River. In the first place, there has been expended between the city of Portland and the Columbia River \$160,000 at one time, \$155,000 at another time, \$190,000 at another time, and the present bill increases the amount to about \$330,000.

When it is remembered that the commerce tributary to the Columbia River passes through the city of Portland and does not pass through Tacoma, the city in which the gentleman resides, the reasons for attempting to make this statement are somewhat apparent, but there are no reasons—there can be no reasons—why the gentleman should have made such a serious and great mistake in the presentation of the alleged facts. His statements of the appropriations by the Federal Government for the improvement of the Willamette River are erroneous in every particular. The total appropriations by the Federal Government for the improvement of the Willamette River between the city of Portland and the Columbia River, made separate from other improvements, have aggregated the sum of \$160,365, but the city of Portland itself has expended in this improvement, in round numbers, about \$800,000.

It is not easy to get the exact amount of appropriations for the Columbia River below the mouth of the Willamette. In most instances they have included appropriations for the improvement of the Willamette for a distance of 12 miles below the city of Portland. Up to the meeting of the present Congress the entire amounts appropriated by the General Government for the improvement of the Willamette River below Portland and the Columbia River below the mouth of the Willamette has been \$3,165,680. The commerce along this portion of the river is 1,489,708 tons, and will soon be many times that amount. The number of passengers carried out of the State aggregate annually 262,000. For the same period of time the appropriations by Congress for the improvement of the Columbia River above the mouth of the Willamette, including the improvement of the Snake River, have been \$4,412,546.13, while the freight upon that river as yet is exceedingly small compared with the freight on the lower river, and must always remain so.

Out of the lower river will go practically all the commerce of the upper river, the commerce carried on three transcontinental railroads, on the local railroads, and the Willamette River. In other words, Congress has appropriated for the Upper Columbia River, including the Snake River, \$1,242,866 more than it has appropriated for the Lower Columbia River, with almost one hundred times the commerce. Congress has appropriated 40 per cent more for the Upper Columbia than for the lower portion, including the Willamette River, with many, many times the commerce. Yet in the face of these facts accessible to the gentleman from

Washington, for ignorance of which he has no excuse, he claims that Congress has discriminated against the Upper Columbia in favor of the lower portion of the same river. It requires some hardihood in a member of the House, addressing an audience of 75,000,000 of people, to make such a statement so much at variance with the actual recorded facts.

The gentleman informed us that some two thousand years ago some man by the name of Cæsar Julius, or Julius Cæsar, divided Gaul into three parts, and he indulged in some speculation as to what Cæsar would do had he lived to the beginning of the twentieth century. In the light of the gentleman's speech I can furnish him a fairly accurate answer to that question. If Cæsar had lived to our day, had been a member of this Congress, had beheld the gentleman from Washington, and listened to his speech, he would have concluded that history had much maligned him; in fact, that "gall" had never been divided; that it was still in the original package; that its integrity had been fully preserved, and that the gentleman from Washington was in possession of, not only the real thing, but of the whole thing. [Applause.] In fact, this slander against imperial Cæsar has been so constantly refuted that I am surprised the gentleman should have repeated it. If he had consulted a more modern edition of the story books he would have found that this, as well as the claim that a "Congressman running at large" is dangerous to the peace and safety of the community, have been discarded as long ago having outlived their usefulness.

If the gentleman had devoted one-tenth of the time during the week or ten days that he has spent in the preparation of his speech in the examination of the reports of the engineering officers that he had in the preparation of his jests, he would not have been compelled to draw upon his imagination for his facts while drawing upon his memory for his wit.

But had the greater portion of the improvements been made at the mouth of the Columbia River, and from there to the mouth of the Willamette, a distance of about 80 miles, where the largest portion of the commerce is carried, would it have been unusual? I trust that the gentleman will yet learn that the proper way to begin to improve a river is at its mouth, not at its source, where it enters the ocean or another navigable river rather than where it passes through canyons between snow-capped mountains.

The improvements should first go where the greatest benefits can be derived. It would be of no value to the people along the upper portion of this river to improve it at their doors without improving it at its mouth. It would be useless to give them facilities for getting freight into the river without facilities for getting it out of the river at its junction with the ocean.

But this is not a full catalogue of the singular mistakes of that very singular but amusing speech. When the gentleman finally edits his speech for the RECORD and decides what he wishes he had said, unless he makes many material changes, he should entitle it not "The Mistakes of Moses," but "The Mistakes of CUSHMAN." [Applause.]

I quote again from the stenographic notes of the speech:

Now, the Chief of Engineers of the United States Army makes some statements regarding the expenditures at the mouth of the Columbia River. In the first place, the former appropriations for the mouth of the Columbia River have been about \$2,225,000. When they started in spending money on the mouth of the Columbia River they had 31 feet of water. After they had spent three-quarters of a million of dollars, they took another sounding and they then had 23 feet of water. Then they spent three-quarters of a million more, and now they have 21 feet of water. The question now resolves itself into one of arithmetical proportion. If we have spent over \$5,000,000 between the city of Portland and the sea to produce a deep channel, and we have 7 feet less water now than we had when we started, how much water shall we have when we have spent \$5,000,000 more?

Still venting hostility against the Columbia River. "Still harping upon my daughter." The Columbia River seems to haunt the gentleman in his waking as well as his dreaming hours. He seems to have some peculiar animus against it. I remember a distinguished professor who, endeavoring to impress upon his pupils the evils of eating a hearty supper of mince pie, said that after indulging in a meal of that kind he had a dream, and in his dream the professor was lying flat on his back, with His Satanic Majesty astride his breast thrusting mince pie down his throat with a pitchfork. By the time the gentleman from Washington is through with this bill and retires to peaceful slumbers, in his dreams he will imagine that the waters of the Columbia River are overwhelming him; that its fierce cataracts are endeavoring to force their way through the capacious space between the gentleman's lips, and are washing the foundations from the commercial prosperity of the city of Tacoma. [Applause.]

But, again, to correct these misstatements. I have already shown that the appropriations expended both in the Willamette and the Columbia River below the mouth of the Willamette, including the mouth of the Columbia, have exceeded but little over \$3,000,000 instead of \$5,000,000, as stated in the gentleman's speech. It now remains to point out the wonderful inaccuracy of the wonderful results produced by the expenditure of that money. If the gentleman should turn to the report of Captain Langfitt

upon the survey of this river, he will find this statement in reference to the improvements at the mouth of the Columbia River:

Active operations began in April, 1885, to construct a jetty, the location of which is shown on plate 1. Work was continued with more or less interruption until October, 1895, when the present jetty was completed. * * * The channel depth in 1885 was 26 feet, and remained so to include 1889. In 1890 its depth was 24 feet; in 1891, 27 feet; in 1892, 28 feet; in 1893 and 1894, 29 feet; in 1895, 31 feet.

This jetty was built at an expense, I think, of about \$1,300,000, and was one of the most successful in the history of engineering improvements. It is true that a portion of this jetty, something, I think, near half a mile of it, from defective construction or otherwise, has seriously settled, destroying part of its usefulness, and some 4 or 5 feet of the depth of water originally gained has since been lost. It is this fact that has made the present project necessary to make the improvement permanent and complete. But while the sinking of this jetty has been unfortunate, and while it has caused considerable shoaling of the bar, there is still an increase of depth of some 5 or 6 feet of water, instead of decrease of a depth of 7 feet, according to the statement of the gentleman from Washington.

Now, if the gentleman will turn to another portion of the Report of the Chief of Engineers for 1900, pages 3452 and 4418, volume 6, he will find that the original project for the improvement of the Columbia from the mouth of the Willamette to the mouth of the Columbia only contemplated the giving of 20 feet of water where about 15 and in some places 12 feet previously existed, and that the completion of the project "has resulted in maintaining a fairly good channel from Portland to the mouth of the Columbia River of from 20 to 23 feet deep at low water," and that now "ships drawing from 20 to 24 feet freely ascend that river to the city of Portland." I present the statement of the Report of Engineers as an offset to the statement of the gentleman from Washington, and without further comment upon that subject.

I regret to see the gentleman exhibit this hostile attitude against the improvement of the Columbia River. I regret that unfortunately he has overlooked the fact that Tacoma is not the State of Washington; that the inhabitants of that magnificent young city, one of the most prosperous on the Pacific coast, that has had a marvelous growth in the past, as it will have in the future, do not share the gentleman's hostility to other cities or to the improvement of this great river. I believe the people of that city are firmly convinced that their future growth does not depend upon tearing others down, does not depend upon the effort to thwart the progress of others, and, above all, that it does not depend upon any attempt to injure the commercial opportunities that are being afforded by this bill to a very large section of the State of Washington.

It is useless to profess friendship for the upper river while opposing improvement of the lower. He has indulged in statements about the improvements of the lower river which, if true, furnish abundant reasons why Congress should not appropriate one dollar for the removal of the obstructions at The Dalles and Celilo. He has attempted to strike a fatal blow at the improvement of every portion of that great commercial highway. I hope the gentleman's attitude of hostility to the Columbia River is not caused by any regrets at seeing a large portion of the products of his magnificent young State finding their way to the sea and their access to ocean vessels that transfer them to foreign lands without traversing the city in which he lives. The course of this commerce will not change. Nothing that he can do or that I can neglect to do will change the ordinary course of nature. If I should be allowed to address him in some of his own extravagant language, some of the hyperbole which the gentleman can so skillfully use, I should say to him, "'You may live long enough to mount the sunbeams to the ethereal heavens; you may live to slide back to earth on the Milky Way; you may live to unbuckle the bellyband of the universe,' but you will never live long enough to see the commerce, the products of the rich wheat fields along the banks of and adjacent to the Columbia River, leave their accustomed course down the banks of the Columbia River to the sea in order to climb the summits of the Cascade Mountains to find an outlet upon the waters of Puget Sound."

But I am not yet through with a catalogue of the gentleman's mistakes. I have still another chapter upon "the mistakes of CUSHMAN." He charges that Congress had victimized Washington; that his State has been discriminated against; that there has been unjust favoritism shown to the State of Oregon and against the State of Washington. Let me correct some more of the gentleman's imagination by a statement of facts. The last two river and harbor bills, the one in 1896 and the one in 1899, have carried for the State of Washington, in appropriations and authorized contracts, which will be fully carried out, the sum of \$1,763,000. This money has been largely expended. The remainder of it is now being expended entirely within the State of Washington, not upon borders between that and any other State.

There was carried for Grays Harbor alone \$1,000,000; for Everett Harbor alone, \$392,000. During the same period of time,

carried by the same bills, the appropriations and authorizations for the State of Oregon that were approved by the Department, all the appropriations that have been or are being actually expended and to be expended entirely within the State of Oregon, amounted only to the sum of \$685,390, a little over one-third as much to be expended entirely within the State of Oregon as was expended entirely within the State of Washington. And yet when those two bills were framed—when the largest one the State of Washington has ever had was framed and passed—Oregon had a member of the River and Harbor Committee in the House, a member of the Committee on Commerce in the Senate, and the State of Washington had neither. When the last bill was passed, the State of Oregon had a member of the Committee on Commerce in the Senate, and Washington had a member of neither committee.

I put these facts, and they are facts that can be found of record, against the claim of the gentleman from Washington that Congress has discriminated in favor of Oregon and against Washington. During the same time the same two bills carried appropriations for the Snake River and the Columbia River above the mouth of the Willamette, which is more in Washington than in Oregon—\$333,597. Of this sum \$12,000 was wholly in Washington and Idaho; \$37,000 between Vancouver and the mouth of the Willamette River, wholly for the State of Washington. There was expended on the Willamette River below Portland and the Columbia below the mouth of the Willamette \$371,000, a total for the Columbia and Snake rivers of \$704,597.

Now, if the gentleman should indulge his imagination, should charge the sums expended in those two bills upon the Columbia River and Snake River wholly to the State of Oregon, still these appropriations would only aggregate the sum of \$1,389,897 during the last five years. During these five years all the sums appropriated and authorized and expended for Oregon in river and harbor improvements, including all the sums appropriated and expended for the Columbia and Snake rivers through river and harbor bills, amount to only a little more than about 60 per cent of the sums expended entirely within the State of Washington. The rivers and harbors within Washington are being well taken care of under existing contracts, while there are no contracts under way in Oregon. I place these facts—the treatment Washington has received from Oregon Senators and Oregon Congressmen—against the gentleman's statements that Congress has discriminated in favor of Oregon and against the State of Washington.

It certainly is not the gentleman's misfortune; it certainly is to the good fortune of his State, that its rivers and harbors have been so well taken care of in previous Congresses that its real wants and necessities are exceedingly few. In the same line and in connection with this I want to call attention to another of the "mistakes of CUSHMAN." In the table that he has placed before the House he has endeavored to show or claim that in the States represented by the members of the River and Harbor Committee a much larger proportion of the recommendations of the engineers had been adopted. In pursuance of this plan, he has alleged that the engineers have recommended appropriations for the State of Washington for \$630,000, while they have received but \$130,000. I have asked the gentleman for the items which compose this sum, but as yet have not received them. I controvert the statement as to the amount recommended by the Chief of Engineers.

I hold before me the Book of Estimates, which contains the amount which the Chief of Engineers recommends can be appropriated or, rather, that can be profitably used within the State of Washington for the coming fiscal year. The total amount is \$246,000, instead of \$630,000. In this sum was included \$125,000 for a ship canal between the Sound and Lake Washington. There have been appropriated at different times for this project \$175,000, but about \$5,000 has been expended in four years, leaving on hand something like \$170,000. At this rate of expenditure the committee thought further appropriations unnecessary, and made none. Outside of that appropriation, the recommendations were for \$121,000.

In recommending this amount the engineers had overlooked \$32,719.49 on hand for the improvements of Puget Sound and its tributary waters. This left but \$88,280.59, and we have appropriated \$130,000. It is possible that in making up the \$630,000 the gentleman has included projects reported by the engineers, including the improvement at Tacoma. This might be a fair method if he had followed it in other States; but if he had followed the same method in the State of Oregon, and followed also his method of charging the Columbia and Snake rivers to Oregon, he would have found that the recommendations of the engineers, including the projects that they have heretofore approved and recommended, covered, instead of less than \$1,012,000, something over \$10,000,000. He would have found that, instead of appropriating the large per cent which I think he claimed, something like 98 per cent, we would have appropriated for Oregon less than 8 per cent. But if he includes the Tacoma project in his estimates, it is not recommended by the engineers, except conditionally.

Captain Langfitt, after stating that the project is for dredging the city waterway from Eleventh street to Fourteenth street, states as follows:

In my opinion the improvement outlined in the report—that is, dredging in the city waterway—is a worthy improvement, and is urgently needed at the present time. Whether this improvement should be made by the Government or by private interests, on account of the conditions surrounding this waterway, as explained in the report, seems uncertain to me, and I have left this question open for higher authority to decide.

It is further stated that the harbor outside of this waterway is of ample depth, needs no improvement, and the contemplated improvement is for the purpose of securing further dockage, and will be of inestimable value to private property. No recommendations were made for any appropriation in the present bill, as recommendations are rarely made in any new project until it has been approved by Congress.

I might point out further mistakes of this remarkable speech of the gentleman. It was very entertaining, it was very amusing. Like other members of the House, I was delighted to hear it. It furnished needed recreation and food for merriment. But I regret exceedingly, as I think some of his best friends from Washington regret, that he should have found it necessary in endeavoring to secure recognition for his own State to assail his neighbors or any other portion of the Union. I have no such animosity to any portion of the State that the gentleman represents. It has no river or harbor the improvement of which I should not rejoice to see. If the gentleman should succeed, by amendment in this House or in the Senate, in securing additional sums for the improvement of any additional harbors or rivers within his State, none will rejoice more than I.

That the appropriations for his State are not larger is attributable to no fault or neglect of mine. After listening to the very able remarks of his colleagues, I am inclined to think that possibly this committee may have overlooked a worthy improvement at Grays Harbor. If the House should concur in this view, there would certainly be no objection from me or any Representative from the State of Oregon. The gentleman will always find, his colleagues will always find, that in any effort to build up his magnificent State—and in present resources and prospect for future development it is one of the grandest and most magnificent States in the Union—he will find the delegation from Oregon, in House and Senate, standing by him, hand in hand, shoulder to shoulder, ready to render him every help within their power. He will find us neighbors and friends, ready to work in friendship in building up—not enemies, laboring in hostility to pull down his State, cripple its progress, or retard its prosperity. [Loud applause.]

During the delivery of the above remarks the time of Mr. TONGUE expired.

Mr. TONGUE. Mr. Chairman, I would like to have five minutes more to answer these statements.

The CHAIRMAN. Unanimous consent is asked by the gentleman from Oregon to continue his remarks for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. TONGUE resumed and concluded his remarks.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. MAHON having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. CUNNINGHAM, one of its clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

S. 5019. An act granting an increase of pension to Julia Crenshaw; and

S. 5346. An act making provision for the employment of clerical assistance in the district of Alaska.

The message also announced that the Senate had passed, with amendment, the bill (H. R. 11008) authorizing the Solicitor of the Treasury to quitclaim and release certain title and interest of the United States to Mrs. Lottie M. Nowlin.

RIVER AND HARBOR APPROPRIATION BILL.

The committee resumed its session.

[Mr. SPARKMAN addressed the committee. See Appendix.]

The CHAIRMAN. The gentleman from Louisiana is recognized.

Mr. MEYER of Louisiana. Mr. Chairman, I regard the river and harbor bill as second in importance and value to none of the great appropriation bills of this Government. I know of no bill that for the amount appropriated brings so great a return in benefits to the people, to the farmers and the producing classes, to our commercial interests, and to the public Treasury. Commerce is the great adjunct of civilization, industry, and progress. Nature provides us with the lakes, rivers, harbors—all these arteries and facilities for commerce. They are its necessary agencies and instrumentalities. As the country is cleared and trees are felled and other work of man goes on, streams once deep are filled up, harbors are clogged or grow more shallow, and appliances of

science must be invoked to restore the bounty of nature—to correct this deterioration.

This incident of growth would alone necessitate a river and harbor bill, or the action of Government in some form and mode; but there is another reason also the result of man's development in civilization. The vessels necessary for the transportation of products can carry more cheaply in proportion to their enlarged size, and the new competition of trade is leading every day to an increased tonnage, to larger ships, and a demand for a greater draft. The same law applies to ships of war. The safety and defense of nations require bigger ships, greater drafts, and the easiest possible access to the sea.

In Europe vast sums have been expended on such public works. Projects of this sort have received the most liberal bounty of great nations, far exceeding any of our expenditures, the amount of business being considered. Such improvements are the pride and glory of European civilization. Very often they have created in Europe harbors for commerce and refuge where they never existed before. Such wise expenditure no rational man would criticize. Our own great engineers have freely availed themselves of the experience and skill of the hydraulic engineers of the Old World, and as they have other new and greater problems to solve, far greater results to achieve, they need not fear a comparison with their brethren of the Old World when their work commenced to be reviewed. [Applause.]

There has been at some periods and among certain classes in this country a sentiment that would cripple all this wise and beneficent action of the National Government by turning over this whole business of improvement to municipal or State expenditure, with the knowledge that the effect would be to discourage and minimize the work to be performed. Some of these wiseacres will tell you that water transportation is no longer necessary for the interior; that the railroads can haul everything, transport all your freight, and that once relieved from the competition of the water routes they will bring down their charges to a minimum. As for the harbors on the coast, these great outlets for commerce, their programme is to leave everything to the local authorities. How much of private interest, folly, ignorance, and absence of thought has entered into such suggestions it would be hard to compute.

The people of this country have long since settled this whole question. Their own good sense and the necessities of commerce have conducted them to a right conclusion. If the improvement of a particular river be devolved upon a State, how shall we adjust the amount that this State or that should pay for improving the Mississippi, the Red River, the Columbia, the Ohio, or the Potomac? How many States are interested in the improvement of Boston Harbor, of New York Harbor, of Philadelphia's great river, the Delaware, of Baltimore, or the channels between the great waters? It is necessary, therefore, that the work of improvement shall be carried on by the Federal Government.

To secure wise, economical expenditure and a proper choice of objects for the expenditure, the whole subject is committed to the Engineer Bureau of the United States Army. They are to examine the project for improvement, determine whether it is possible, ascertain the commerce of the locality and the value of the proposed work to commerce, and report to Congress. Where will you find a body of more competent, skillful, and trustworthy employees? Their work must be approved by the Chief of Engineers, and then it comes to Congress for an appropriation. You have next the scrutiny of a committee—generally a very able one—and last you have the scrutiny of the House itself and the Senate, the test of debate and of public criticism, including the public press. This does not insure abstract perfection in every item, but where will you find a better system and better securities against mistake, error, or fraud in any of the agencies by which our great appropriation bills are prepared and matured? [Applause.]

There was a time, Mr. Chairman, when the river and harbor bill was more open to criticism than now, and less carefully prepared. I refer to the years that immediately followed the great civil war. It was then a sectional bill. The South was neglected—I believe almost ignored—in the appropriations. But this state of things did not last very long. Justice was done to our section of the country, and for years it was the only bill in which the South was fairly treated. For a number of years the South and the West have been liberally treated in this bill, and for the measure to fail would be to the people of the South a positive calamity as well as a blow to the nation's commerce and purposes.

There was a time when a portion of the press of the Eastern cities was prejudiced against the bill. Articles were written against the bill by persons who knew nothing of the commercial interests involved in this or that appropriation, and in their ignorance they assumed that these appropriations were mere sop or bounties to favored localities. They thought that foreign commerce was everything. They read of appropriations for streams with Indian or other names unknown to them, and at once they inferred that there was no merit in the appropriations for such